

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 WEDNESDAY, AUGUST 1, 2018

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Nathan J.
18 Hartle, held at the offices of Covington &
19 Burlington, LLP, One City Center, 850 Tenth
20 Street Northwest, Washington, DC, commencing
21 at 9:03 a.m., on the above date, before
22 Carrie A. Campbell, Registered Diplomat
23 Reporter, Certified Realtime Reporter,
24 Illinois, California & Texas Certified
25 Shorthand Reporter, Missouri & Kansas
Certified Court Reporter.

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17 DANIEL HOLMSTOCK,
18 Golkow Litigation Services

19 TRIAL TECHNICIAN:

20 COREY SMITH,
21 Golkow Litigation Services

22 - - -
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1	INDEX			
2			PAGE	
	APPEARANCES.....			2
4	EXAMINATIONS			
5	BY MR. RAFFERTY.....			15
6	BY MR. PAPANTONIO.....			325
7	BY MS. HENN.....			490
8	BY MR. RAFFERTY.....			501
9				
10	EXHIBITS			
11	No.	Description		Page
12	[REDACTED]	[REDACTED]		[REDACTED]
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As a result, the model is able to capture the complex, non-linear relationships between the input variables and the output variable, leading to improved predictive performance. The model is trained using a combination of supervised and unsupervised learning techniques, allowing it to learn from both labeled and unlabeled data. The model is evaluated using a variety of metrics, including accuracy, precision, recall, and F1 score, to ensure its performance is robust and reliable. The model is also able to handle missing data and outliers, making it a versatile tool for data analysis and prediction.



Age Group	Percentage of Respondents
18-24	~65%
25-34	~75%
35-44	~85%
45-54	~90%
55-64	~95%
65-74	~98%
75+	~100%

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(Exhibits attached to the deposition.)

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8	CERTIFICATE.....	513
9	ACKNOWLEDGMENT OF DEPONENT.....	515
10	ERRATA.....	516
11	LAWYER'S NOTES.....	517

12

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1 VIDEOGRAPHER: We are now on
2 the record.

3 My name is Daniel Holmstock. I
4 am the videographer for Golkow
5 Litigation Services.

6 Today's date is August 1, 2018.
7 The time is 9:03 a.m.

8 This deposition is being held
9 at the law offices of Covington &
10 Burling, LLP, at 850 Tenth Street,
11 Northwest, in Washington, DC, in the
12 matter of In Re: National Prescription
13 Opiate Litigation, pending before the
14 United States District Court for the
15 Northern District of Ohio, Eastern
16 Division, Case Number 1:17-MD-2804.

17 The deponent today is Mr. Nate
18 Hartle.

19 Will counsel please introduce
20 themselves and whom they represent.

21 MR. RAFFERTY: Troy Rafferty on
22 behalf of the plaintiffs.

23 MR. BOGLE: Brandon Bogle on
24 behalf of the plaintiffs.

25 MR. PAPANTONIO: Mike

1 Papantonio on behalf of the
2 plaintiffs.

3 MR. FARRELL: Paul Farrell on
4 behalf of plaintiffs.

5 MR. SUDDATH: Tom Suddath on
6 behalf of AmerisourceBergen.

7 MR. PELINI: Craig Pelini on
8 behalf of Prescription Supply.

9 MR. FAUVRE: David Fauvre on
10 behalf of the Endo and Par
11 Pharmaceutical defendants.

12 MR. DAVISON: William Davison
13 on behalf of Mallinckrodt LLC, and
14 SpecGx LLC.

15 MR. LOVRIEN: Chris Lovrien,
16 Jones Day, on behalf of Walmart.

17 MS. PETERSEN: Miranda
18 Petersen, Williams & Connolly, on
19 behalf of Cardinal Health.

20 MR. LIVINGSTON: Scott
21 Livingston on behalf of HBC.

22 MR. O'CROININ: Conor O'Croinin
23 on behalf of CVS.

24 MS. MONAGHAN: Meghan Monaghan
25 from Covington & Burling on behalf of

1 McKesson and the witness.

2 MS. HENN: Emily Henn on behalf
3 of McKesson and the witness.

4 VIDEOGRAPHER: Okay. Will the
5 court reporter please administer the
6 oath?

7 Telephone, sorry, yes. Yeah,
8 telephone?

9 MS. PEDROZA: Monica Pedroza on
10 behalf of Teva Pharmaceuticals USA,
11 Inc., Cephalon Inc., Watson
12 Laboratories, Inc., Actavis, LLC and
13 Actavis Pharma, Inc.

14 MR. LADD: Matthew Ladd on
15 behalf of Rite Aid.

16 MR. AUBEL: Bill Aubel, Jackson
17 Kelly, on behalf of Miami-Luken, Inc.

18 VIDEOGRAPHER: Okay.

19 MR. RAFFERTY: Anybody else?

20 VIDEOGRAPHER: The court
21 reporter is Carrie Campbell, who will
22 now administer the oath.

23

24 NATHAN J. HARTLE,
25 of lawful age, having been first duly sworn

1 to tell the truth, the whole truth and
2 nothing but the truth, deposes and says on
3 behalf of the Plaintiffs, as follows:

4

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. RAFFERTY:

7 Q. Could you state your name,
8 please?

9 A. Nathan John Hartle. I go by
10 Nate.

11 Q. Mr. Hartle, my name is Troy
12 Rafferty. I'm going to be asking you some
13 questions today.

14 Okay?

15 A. Okay.

16 Q. Who is your current employer?

17 A. McKesson Corporation.

18 Q. Okay. What is your current
19 position?

20 A. I'm currently the vice
21 president of compliance -- regulatory affairs
22 and compliance.

23 Q. Vice president of regulatory
24 affairs and compliance.

25 A. Correct.

1 Q. Is that a new position?

2 A. It is a new position, new
3 title, as of July 1st. Prior to that, I
4 was -- senior director of regulatory affairs
5 was my title.

6 Q. Senior director of regulatory
7 affairs for the retail national accounts or
8 in some other capacity?

9 A. Correct. For the retail
10 national accounts. The new title, I will be
11 taking on the statistics and analytics team
12 here shortly.

13 Q. Okay. So is that a
14 different -- the title is different, but is
15 the position different from what you had
16 before?

17 A. I maintain the certain
18 regulatory -- or the chain responsibilities,
19 and in addition to that will be statistics
20 and analytics.

21 (McKesson-Hartle Exhibit 41
22 marked for identification.)

23 QUESTIONS BY MR. RAFFERTY:

24 Q. Okay. I'm going to show you --
25 MR. RAFFERTY: If we could pull

1 up, Corey, 1.795, which we will mark
2 as Exhibit 41 to the deposition.

3 QUESTIONS BY MR. RAFFERTY:

4 Q. Okay. What I'm showing you --
5 I'm going to show you some documents
6 throughout the deposition, Mr. Hartle. I'm
7 going to direct you to certain areas. If
8 there's a different part that you want to
9 look at or if you want to take a minute to
10 review, I'm fine with that. Just let me
11 know.

12 Okay?

13 A. Okay.

14 Q. But to try and keep things
15 moving, we're under a time -- you know, I've
16 only got a certain amount of time, so I'm
17 going to try and direct you to those areas.

18 Okay?

19 A. Understood.

20 Q. All right. What we have here,
21 if you look, is something entitled
22 "McKesson's Controlled Substance Monitoring
23 Program, Regulatory Affairs Training."

24 Do you see that?

25 A. I do.

1 Q. Okay. And I will represent to
2 you that there's not a date on this, but we
3 looked at the production, and there's
4 something referred to as metadata that
5 established that this was produced
6 December 31, 2015.

7 Okay?

8 You were there in your role as
9 senior director of retail and national
10 accounts, correct?

11 A. Correct.

12 Q. You started there when? In
13 McKesson.

14 A. In May of 2014.

15 Q. May of 2014. Okay.

16 And you maintained that same
17 position in charge of retail national
18 accounts until July of this year when your
19 position changed, correct, or your title
20 changed?

21 A. Title changed, yeah. And I've
22 added different responsibilities, but I've
23 always had the chain responsibility.

24 Q. So you've added additional
25 responsibilities, yes?

1 A. Correct.

2 Q. Okay. If you'll turn to
3 page .9, I want to just make sure I
4 understand who -- where you sit in the
5 hierarchy of McKesson. Okay?

6 And in particular, US pharma is
7 the division of McKesson that handles and
8 sells the narcotics, right? That's the
9 division?

10 A. Correct. Correct.

11 Q. Okay. So if you look up here,
12 you've got regulatory affairs, retail
13 national accounts, and it says, "Nate Hartle,
14 senior director," right?

15 A. It does.

16 Q. Nobody above you?

17 A. Not on this slide.

18 Q. Not on that. Not in terms of
19 retail national accounts?

20 A. Correct.

21 Q. Okay. Because there's one
22 other person, a vice president, I think, at
23 the time, Krista Peck?

24 A. Senior vice president.

25 Q. Senior vice president.

1 Okay. So -- and we'll look at
2 that in just a minute. But you have
3 underneath you some direct reports, including
4 Micheal Bishop.

5 Do you know who Micheal Bishop
6 is?

7 A. I do.

8 Q. Okay. Michael Oriente. Do you
9 know who that is?

10 A. I do.

11 Q. Okay. Jay Espaillat?

12 A. Espaillat.

13 Q. Espaillat.

14 And then Adam Palmer, who
15 reports to Michael Oriente.

16 Do you see that?

17 A. I do.

18 Q. And then Jennifer Sheffield,
19 the regulatory affairs admin?

20 A. Yeah.

21 Q. Okay. And that was your team,
22 right?

23 A. Was, yeah. It's changed over
24 time.

25 Q. Okay. It's changed. In

1 fact -- yeah. Okay.

2 So if we go now to point --
3 well, how long was that your team? How long
4 did you have -- in particular looking at the
5 director of regulatory affairs, Michael
6 Oriente, and Micheal Bishop, the regulatory
7 affairs manager, how long were they with you?

8 A. So it's evolved. When I --
9 Michael joined the team -- Michael, Adam
10 Palmer -- well, two Michaels and Adam Palmer
11 joined the team in 2014. Jay was added -- I
12 can't remember the exact time frame, but
13 right around in 2015. He supports some work
14 I do for the entire regulatory affairs team
15 focused on threshold methodology and some
16 advancements we made.

17 Q. Okay. All right. My specific
18 question is how long they've been with you.

19 A. How long --

20 Q. How long were they on your
21 team?

22 A. Michael's been on the team
23 since 2014. Adam's been 2014. Jay's been
24 2015.

25 Q. Okay.

1 A. Micheal Bishop is no longer
2 here. We've had some adjustments.

3 Q. But he was with you until 2018,
4 correct?

5 A. Yes.

6 Q. Okay. Let's take a look now at
7 the US pharma regulatory affairs. And the
8 reason I want to do this is I want to make
9 sure I know when we're talking today and
10 you're answering questions, in what capacity
11 you're answering them in terms of the
12 hierarchy of regulatory affairs at McKesson.

13 Okay?

14 A. Understood.

15 Q. All right.

16 MR. RAFFERTY: So if we could,
17 turn to page .4, Corey.

18 QUESTIONS BY MR. RAFFERTY:

19 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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QUESTIONS BY MR. RAFFERTY:

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Q. Okay. And if we look at the hierarchy here, there's Gary -- okay, Krista Peck, who is the senior vice president. I assume above her is the president of McKesson?

21

A. Correct.

22

23

Q. Okay. That's Mr. Hammergren right now?

24

25

A. No. Above Krista or that position is the president of US pharma.

1 Q. Of US pharma, I'm sorry.

2 That's what -- okay.

3 And who was that at the time;
4 do you remember?

5 A. It was Mark Walchirk.

6 Q. Okay. So you got Krista Peck,
7 who is one step away from the president of US
8 pharma, right?

9 A. Correct.

10 Q. And then right below her you've
11 got Nate Hartle sitting there as senior
12 director, right?

13 A. Correct.

14 Q. You got Lisa Young as the
15 senior director for the west region, right?

16 A. Correct.

17 Q. And then Gary Boggs is the
18 senior director for the east region, right?

19 A. Correct.

20 Q. Okay. So there were two
21 regions, east and west, and then you, who
22 covered, I assume, regional national -- I
23 always say regional national account --
24 retail national accounts for the entire
25 country, correct?

1 A. Yes, that's correct.

2 Q. Okay. Now, when we talk about
3 the retail national accounts, we're talking
4 about -- that you were in charge of, we're
5 talking about the Rite Aids, CVS, Walgreens,
6 Walmarts and a bunch of others that I'm not
7 listing, right?

8 A. A variety of chains.

9 Q. Chains. Okay.

10 A. Chains is the best way to talk
11 about it.

12 Q. Okay. But literally thousands
13 of stores in those chains, right?

14 A. In some of them.

15 Q. In some of them.

16 And you're over all of that?

17 A. Correct, those chains.

18 Q. From a regulatory controlled
19 substance monitoring program standpoint,
20 true?

21 A. True.

22 MS. HENN: Objection to form.

23 QUESTIONS BY MR. RAFFERTY:

24 Q. So tell me, how much of the
25 business in terms of US pharma compared to

1 the -- because there's another category of
2 stores called the -- I believe you refer to
3 them as ISMCs; is that right?

4 A. Correct.

5 Q. Okay. And that is the
6 independent small medium chains?

7 A. Correct.

8 Q. Is that what that stands for?

9 A. That's what it stands for, yes.

10 Q. Okay. All right. And that's
11 what Gary Boggs and Lisa Young would have
12 been over in their regions?

13 A. Yes, that's part of their
14 responsibility.

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24 QUESTIONS BY MR. RAFFERTY:

25

Q. Well, in fact, the two -- and

1 in fact -- I'm sorry. And if I speak over
2 you at any time, it's just -- it's just a
3 habit, and so I apologize. And so just let
4 me know, or I'm sure Ms. Henn will let me
5 know, and I'll try not to do that.

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11 QUESTIONS BY MR. RAFFERTY:

12 Q. Okay. Thank you.

13 All right. I want to talk for
14 a few minutes about the opioid epidemic in
15 the United States.

16 First of all, you agree that
17 there is, in fact, an opioid epidemic in the
18 United States, true?

19 A. I do agree.

20 Q. And that epidemic has been
21 going on for years, correct?

22 A. Based on what I read and what I
23 know, absolutely.

24

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Q. Okay.

14

A. It's why I do what I do.

15

Q. All right. In fact, you would

16

agree that this epidemic has had a

17

devastating effect on public health and

18

welfare throughout the country, true?

19

A. It has.

20

Q. And in fact, you have spoken

21

and actually given presentations about the

22

opioid epidemic in the country, correct?

23

A. I have.

24

Q. In fact, would you agree that

25

the opioid epidemic in the United States of

1 America is the deadliest drug epidemic on
2 record in our country's history?

3 A. I'm not an epidemiologist, but
4 I would believe, yes.

5 Q. Okay. Well, let's look at
6 1437.3, which we will mark as Exhibit 41 --
7 42.

8 (McKesson-Hartle Exhibit 42
9 marked for identification.)

10 QUESTIONS BY MR. RAFFERTY:

11 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 Q. Okay. And it appears, though
17 this one does have a date on it, it's
18 September 29, 2017. So not really all that
19 long ago, right?

20 A. Correct.

21 Q. Okay. Less than a year ago,
22 right?

23 A. That is.

24 Q. And you see down there Nate
25 Hartle, senior director, regulatory affairs,

1 right?

2 A. Yeah, it's my document.

3 Q. Okay. Do you recall giving
4 this presentation?

5 A. I do.

6 MR. RAFFERTY: If we could,
7 let's turn to .3, Corey.

8 QUESTIONS BY MR. RAFFERTY:

9 Q. You see that up in the top of
10 one of your slides there on page 3, a
11 headline, "Deadliest Drug Epidemic on Record
12 in Our Nation's History"?

13 Do you see that?

14 A. Yep.

15 Q. You wouldn't have put that in
16 your presentation unless you thought it was
17 true, right?

18 A. No.

19 Q. So you don't dispute that,
20 right?

21 A. I do not.

22 Q. Okay. It then goes on and
23 says, "The drug problems of past decades pale
24 when compared to the current opioid epidemic
25 which has killed 165,000 Americans from 2000

1 to 2014."

2 Did I read that right?

3 A. You did.

4 Q. Okay. Once again, you agree
5 with that statement, right?

6 A. These are part of the
7 presentation that I gave.

8 Q. Okay. If we now go to the next
9 page, page 4, it says over there, "Scope of
10 the problem." On an average day, an average
11 day in the US, more than 650,000 opioid
12 prescriptions are dispensed.

13 Do you see that?

14 A. I do.

15 Q. 3,900 people initiate
16 non-medical use of prescription opioids, and
17 then it says 580 people initiate heroin use.

18 You see that?

19 A. I see those.

20 Q. And in fact, opioid abuse and
21 addiction is a gateway to heroin use and
22 addiction, correct?

23 MS. HENN: Objection to form.

24 THE WITNESS: I'm not a medical
25 expert, but, you know, I've read

1 things, I use data from different
2 sources, and they say that.

3 QUESTIONS BY MR. RAFFERTY:

4 Q. I don't -- okay. As head of
5 regulatory affairs and the controlled
6 substance monitoring program for national
7 chains of McKesson, would you agree that in
8 fact narcotic painkiller abuse, opioid abuse,
9 is a gateway to heroin use?

10 MS. HENN: Objection to form.

11 THE WITNESS: I would agree
12 that it can be, yeah.

13 QUESTIONS BY MR. RAFFERTY:

14 Q. Okay. And in fact, 78 people
15 die from an opioid-related overdose every day
16 according to your slide.

17 Do you see that?

18 A. I see that.

19 Q. In fact, if you go on to your
20 presentation, page 16, .16, talking about the
21 heroin use, it says -- or what you say in
22 your presentation, or what you put in your
23 presentation, was people who are addicted
24 to -- and then it says, "Opioid painkillers
25 are 40 times more likely to be addicted to

1 heroin."

2 Do you see that?

3 A. I see that.

4 Q. And you agree with that?

5 A. I put them in the slides as
6 part of the information that I keep current
7 on.

8 Q. You agree with that?

9 A. Again, I'm not an expert in
10 terms of numbers, but I agree with what
11 they're putting out.

12 Q. Okay.

13 A. The concepts --

14 Q. And you wouldn't have put it
15 out there if you thought it was inaccurate,
16 right?

17 A. I would not have.

18 Q. Okay. Talking about the
19 heroin, the gateway to heroin, if we could,
20 let's have 1580.

21 (McKesson-Hartle Exhibit 43
22 marked for identification.)

23 QUESTIONS BY MR. RAFFERTY:

24 Q. This is another presentation
25 that you gave, Mr. Hartle. We'll mark this

1 as Exhibit 43. This is another presentation
2 that you gave. If you look at this --

3 MR. RAFFERTY: Corey, if you
4 could pull it up, please, 1.580 --
5 1.1580.

6 All right. Just give me the
7 Elmo. I'll just use the Elmo.

8 QUESTIONS BY MR. RAFFERTY:

9 Q. You see there it says,
10 "Regulatory affairs update, RNA leadership
11 team, Nate Hartle, senior director,
12 regulatory affairs."

13 Do you see that?

14 A. Yes.

15 Q. November 20, 2015.

16 You see that?

17 A. I do.

18 Q. Okay. Do you recall giving
19 this presentation?

20 A. I'm going to scan through it
21 real quick just so I can refresh --

22 Q. Well, let me -- and feel free
23 to, but I'm just going to -- I'm going to
24 start with the second page, so...

25 A. I -- I believe it was a

1 conference call, maybe. I don't remember
2 exactly all the details from back then, but
3 this is my work, yeah.

4 Q. It doesn't matter. This is
5 your work.

6 A. Yeah.

7 Q. That's all I wanted to get.

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MR. RAFFERTY: Now, if we could
have 1.1355, Corey, that we'll mark as
Exhibit 44.

(McKesson-Hartle Exhibit 44
marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. Oh, this is a document that
says -- it's titled "Prescription Drug Abuse:
The National Perspective."

It's got McKesson up there in
the top right corner.

Do you see that?

A. I see that.

Q. And down by the bottom middle
it's 2014, McKesson Corporation, correct?

A. Correct.

Q. Okay. If we go into this and

1 you turn to the second page -- .2, Corey --
2 and it talks about the current landscape,
3 epidemic.

4 Do you see that?

5 A. I see that.

6

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	95%
No, the U.S. should not take action to reduce greenhouse gas emissions	5%

18 Q. Okay. In fact, your company
19 has been in the business of selling opioid
20 and narcotic painkillers for many years,
21 hasn't it?

22 A. It has.

23

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher for the 10 trials condition than for the 5 trials condition.

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses in all cases.

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Q. That's right.

24

And in fact, what you said

25

yesterday, so that we're clear, if I could

1 have the Elmo --

2 MR. RAFFERTY: And this is
3 yesterday's rough transcript at
4 page 283, starting on line 17,
5 Counsel.

6 QUESTIONS BY MR. RAFFERTY:

[illegible]

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MS. HENN: Objection to form.

9

QUESTIONS BY MR. RAFFERTY:

10

Q. Do you recall giving that

11

testimony yesterday?

12

A. I do.

13

Q. Okay. You understand that

14

yesterday when you were sitting in that chair

15

you were under oath, correct?

16

A. Absolutely.

17

Q. Okay. Just like you are today?

18

A. Absolutely.

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Q. And in fact, you've been -- you have faced investigations by the DEA and the Department of Justice in regards to your failure to prevent diversion of those narcotics in America, true?

MS. HENN: Objection to form.

THE WITNESS: Could you restate that?

QUESTIONS BY MR. RAFFERTY:

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Q. And in 2017, in the 2017

settlement -- you've reviewed that, right?

A. I have.

Q. You were actually there as senior director of regulatory affairs during the time that McKesson was being investigated and at the time that that -- that agreement was entered into between McKesson and the Department of Justice, right?

MS. HENN: Objection to form.

1 THE WITNESS: I was there
2 during -- during that time.

3 QUESTIONS BY MR. RAFFERTY:

[illegible]

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Response	Percentage
Yes	85%
No	15%

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114 *Journal of Management Inquiry*

Response	Percentage
Yes, the current system is the best way to run the country	65%
No, the current system is not the best way to run the country	35%

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12 QUESTIONS BY MR. RAFFERTY:

13 Q. Why do you report suspicious
14 orders, Mr. Hartle? Is it just to check the
15 box kind of thing?

16 MS. HENN: Objection to form.

17 QUESTIONS BY MR. RAFFERTY:

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Q. Now, you know that since
2002 -- since 2002, the diversion of
narcotics in the United States has resulted
in an epidemic in the United States and
incalculable costs to society.

Would you agree with that
statement?

MS. HENN: Objection to form.

THE WITNESS: Can you say it
once again, please?

1 QUESTIONS BY MR. RAFFERTY:

2 Q. Yeah.

3 The costs are so high as a
4 result of the epidemic in the United States
5 of the use of narcotics that the GAO
6 specifically said, "Diversion is a
7 multi-billion dollar illicit market
8 nationwide, and diversion is causing
9 incalculable costs to society."

10 Have you ever seen that?

11 MS. HENN: Objection to form.

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18 (McKesson-Hartle Exhibit 45

19 marked for identification.)

20 QUESTIONS BY MR. RAFFERTY:

21 Q. I'm attaching Exhibit 45, the
22 May of 2002 GAO report.

23 Did you ever see a copy of
24 this? And it's a long document. I'm going
25 to just refer you to one particular piece.

1 A. I don't think I've seen this
2 specific document, no.

3 Q. You've never reviewed this? In
4 the five years you've been involved in
5 monitoring the narcotics being sold by
6 McKesson, you never went back and reviewed
7 any of this?

8 MS. HENN: Objection to form.

9 THE WITNESS: I don't recall
10 this specific one.

11 QUESTIONS BY MR. RAFFERTY:

12 Q. All right.

13 A. I don't.

14 Q. Take a look at page --

15 MR. RAFFERTY: For the record,
16 that was P1.1076, which is now
17 Exhibit 45 to the deposition.

18 QUESTIONS BY MR. RAFFERTY:

19 Q. And if you could, look at the
20 cover page --

21 MR. RAFFERTY: Oh, I need the
22 computer back, please.

23 QUESTIONS BY MR. RAFFERTY:

24 Q. You see that, the GAO? Are you
25 familiar with the GAO?

1 A. I am.

2 Q. United States government
3 accounting office?

4 A. It's a part of some of the work
5 in my previous career.

6 Q. Okay. In May 2002,
7 "Prescription drug state monitoring programs
8 provide useful tools to reduce diversion."

9 Do you see that?

10 A. I see that.

11 Q. Okay. And then if you turn to
12 .6, "The diversion" -- down in background.
13 It says, "The diversion and abuse" --

14 You see where it starts to say
15 that?

16 A. I do.

17 Q. Why don't you read that first
18 sentence for me out loud.

19 [REDACTED]

[REDACTED]

[REDACTED]

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(McKesson-Hartle Exhibit 46

marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. This will be Exhibit P1.851,

which will be Exhibit 46 to the deposition.

Do you recall being shown this

presentation earlier?

1 A. I do remember this from
2 yesterday.

3 Q. Okay.

4 MR. RAFFERTY: If we could pull
5 it up, Corey, please. 1.851.

6 Not that one. That's 84.
7 1.851.

8 There we go. All right.

9 QUESTIONS BY MR. RAFFERTY:

10 Q. "State of prescription drug
11 abuse." Once again, I'll tell you that the
12 metadata -- because there's no date on this
13 once again, but the metadata indicates that
14 this was created September 30, 2015.

15 Okay?

16 A. Okay.

17 Q. All right. At that time you
18 were there at McKesson, senior director of
19 regulatory affairs, right?

20 A. I was.

21 Q. And you know Gary Boggs?

22 A. I do know Gary.

23 Q. He was the senior director in
24 charge of the east -- the east region,
25 correct?

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10 QUESTIONS BY MR. RAFFERTY:

11 Q. All right. Let's look at what
12 Mr. Boggs says in this in terms of the costs
13 associated with this epidemic.

14 If you would, turn to page .7.

15 A. Can I ask a clarifying
16 question? You mentioned 2015.

17 Q. Yeah.

18 A. Maybe I'm wrong, but I thought
19 yesterday we were talking about 2013, right
20 around the time that when Gary joined.

21 Q. I don't -- all I can tell you
22 is what the -- the material that was provided
23 to me by McKesson and their counsel --

24 A. Okay.

25 Q. -- indicates that this was

1 produced in September of 2015.

2 A. Okay.

3 Q. Okay?

4 A. Okay.

5 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

24 QUESTIONS BY MR. RAFFERTY:

25 Q. Right.

1 And then if you go to .24, "A
2 national epidemic. More than 45 people die
3 per day" -- I'm sorry, I'll wait until you
4 get there.

5 A. 24, you said?

6 Q. .24, sir.

7 A. Okay. Sorry.

8 Q. You there?

9 A. I am.

[illegible]

1 [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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1 QUESTIONS BY MR. RAFFERTY:

2 Q. Okay. All right. We talked a
3 little bit earlier about the rights or --
4 excuse me, strike that.

5 We talked a little bit earlier
6 about the duties and responsibilities that
7 come along with selling and distributing
8 narcotics in the United States.

9 Do you recall that?

10 A. We have talked about that.

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1 QUESTIONS BY MR. RAFFERTY:

2 Q. Okay. If we could, let's go
3 to --

4 MS. HENN: Counsel, I just
5 wanted to make one clarifying note.

6 Yesterday Mr. Farrell said that
7 the McKesson metadata for this
8 document indicated that the
9 presentation date is late 2013. So
10 there's some discrepancy between what
11 he said and what you said.

12 MR. RAFFERTY: I say it's
13 September 2015.

14 MS. HENN: Just wanted to make
15 that clear for the record because the
16 witness had noted that he recalled
17 that.

18 MR. RAFFERTY: I'm sorry, I
19 didn't mean to interrupt you,
20 Ms. Henn.

21 MS. HENN: That's all right.

22 QUESTIONS BY MR. RAFFERTY:

23 Q. Does that change your testimony
24 in regards to that document we went through?

25 A. No, it doesn't change my

1 testimony. I just wanted to be clear of the
2 timing in terms of, you know, Gary's role,
3 when he came on board with McKesson and the
4 context of the presentation.

5 Q. But it doesn't change your
6 testimony, true?

7 A. It doesn't change my testimony.

8 Q. Okay. If we could, let's go to
9 .8 of the presentation. "The Controlled
10 Substances Act. Congress" --

11 You there?

12 A. Yeah. Sorry.

13 Q. "The Controlled Substances
14 Act." Talked about that earlier. That's the
15 act that was passed by United States Congress
16 in 1971.

17 You recall that, right?

18 A. I do.

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups.

Response	Percentage
U.S. should take action	78%
U.S. should not take action	18%
U.S. should take action but not at this time	2%
U.S. should not take action but at this time	2%

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%

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Response	Percentage
Not responsible	10%
Somewhat responsible	20%
Somewhat responsible	30%
Responsible	40%

Age Group	Percentage
18-24	10%
25-34	25%
35-44	35%
45-54	20%
55-64	10%
65-74	5%
75-84	5%
85+	5%

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%



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Q. You can't get the general

import of that particular slide from this?

MS. HENN: Objection to form.

THE WITNESS: I understand --

QUESTIONS BY MR. RAFFERTY:

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11 QUESTIONS BY MR. RAFFERTY:

12 Q. And he's a senior director of
13 regulatory affairs, same hierarchical
14 position as you are, right?

15 MS. HENN: Objection to form.

16 QUESTIONS BY MR. RAFFERTY:

17 Q. What we saw there back in 2015?

18 A. He is.

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Q. That's right.

9

And that's the reason -- I think you agreed with me earlier, that's the reason you report and -- you monitor and report suspicious orders. Because if you determine there's a suspicious order, you don't ship or you're not -- or let me rephrase that -- you're not supposed to ship it, right?

17

MS. HENN: Objection to form.

18

THE WITNESS: Can you ask the question again?

19

20

QUESTIONS BY MR. RAFFERTY:

21

Q. Yeah. Yeah.

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QUESTIONS BY MR. RAFFERTY:

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10 QUESTIONS BY MR. RAFFERTY:

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A horizontal bar chart showing the percentage of respondents for various categories. The categories are listed on the left, and the percentage values are shown as horizontal bars. The categories are: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Category	Percentage
1	75%
2	70%
3	45%
4	25%
5	25%
6	25%
7	75%
8	85%
9	65%
10	55%
11	20%
12	20%
13	20%
14	85%
15	80%
16	80%
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Q. Okay. And for the record,
Mr. Boggs, you know, was formerly with the
DEA before being hired by McKesson, right?

A. I'm aware of that.

Q. And involved in diversions with
the FDA {sic} or for the FDA, right?

MS. HENN: Objection to form.

QUESTIONS BY MR. RAFFERTY:

Q. Diversion compliance?

A. For the DEA, not the FDA.

Q. For the -- did I say FDA?

1 A. You did.

2 Q. For --

3 A. I want to be accurate.

4 Q. He was formerly -- no, I
5 appreciate that. Thank you.

6 A. Yeah.

7 Q. Let me rephrase it so the
8 record is clear.

9 Mr. Boggs was formerly involved
10 in the diversion compliance with the DEA,
11 correct?

12 A. Yes, he was part of the Office
13 of Diversion Control.

Category	Percentage
Blue	14
Orange	94
Green	98
Red	100
Purple	28
Brown	98
Pink	22
Grey	22
Light Blue	98
Dark Blue	75
Dark Green	48
Dark Red	48
Dark Purple	58
Dark Brown	58

1 [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

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[illegible]

1. 100%

2. 95%

3. 80%

4. 75%

5. 60%

6. 55%

7. 50%

8. 45%

9. 40%

10. 35%

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1 [REDACTED]
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10 (McKesson-Hartle Exhibit 47
11 marked for identification.)

12 QUESTIONS BY MR. RAFFERTY:

13 Q. All right. Let's take a look
14 at 1.1455. This is a presentation that you
15 gave, and, once again, there is a habit
16 evidently at McKesson of not putting dates on
17 things. We don't have a date on this one, so
18 the metadata according to our records
19 produced by McKesson indicate that this was
20 done in August of 2014. August 20, 2014.

21 A. August 2014.

22 Q. That would have been a few
23 months after you started, right? If you
24 started --

25 A. Right. I started in May.

1 Q. And we will mark this as
2 Exhibit 47, I believe.

3 MR. RAFFERTY: Okay. For the
4 record, this is P1.1455, which is now
5 Exhibit 47 to the deposition.

6 QUESTIONS BY MR. RAFFERTY:

7 Q. Do you recognize this
8 particular document, sir?

9 A. I do. These are -- yeah, these
10 are notes as I prepare to give presentations.

11 Q. Right. These are your speaker
12 notes, for example, for a corresponding
13 PowerPoint slide, right?

14 A. Correct.

15 Q. Okay. Because it says
16 "slide 1" there up at the top, right?

17 A. Correct.

18 Q. Okay. RNA VP. That's you,
19 right?

20 A. No.

21 Q. Okay. Who is that?

22 A. So within that retail national
23 accounts or chain segment, each chain has
24 a -- there's vice presidents that manage the
25 relationships with the chains. So they own

1 the relationship to the chain.

2 Q. Okay. So do you know who that
3 person was at this time, RNA VP?

4 A. There are multiple RNA VPs, and
5 this is the presentation that is given at
6 different times to different chains, so I'm
7 not sure which one it would be --

8 Q. Okay. So whoever -- whoever it
9 is --

10 A. -- of that chain.

11 Q. -- of that chain at that time?

12 A. Correct.

13 Q. Okay.

14 A. Correct.

15 Q. It goes down and it says, "My
16 name is Nate Hartle." That's you?

17 A. Right.

18 Q. We know that?

19 A. Right.

20 Q. Okay. "And I am senior
21 director of regulatory affairs for McKesson
22 dedicated to our retail national accounts."

23 Do you see that?

24 A. Right.

25 Q. "My background is in retail in

1 the assets protection and corporate security
2 world, and I have experience and knowledge in
3 the diversion space, including leading
4 efforts focused on both internal theft and
5 the CSMP on the dispensing side."

6 Do you see that?

7 A. I see that.

8 Q. You were with Target before you
9 started at McKesson, right?

10 A. I was.

11 Q. Okay. Were you in -- did you
12 have a role or were you in charge of the
13 diversion of narcotics compliant -- the
14 compliance with the regulations of the
15 diversion of narcotics while at Target?

16 A. While at Target, there was
17 multiple functions involved in pharmacy. I
18 had a very specific team that was focused on,
19 you know, monitoring diversion, monitoring
20 dispensing across the stores. So I played a
21 role.

22 We investigated internal theft.
23 We monitored -- we worked internally to
24 create training and education and awareness.
25 So I played a role along with other

1 components within Target.

2 Q. Okay.

3 MR. RAFFERTY: Let's go to .5

4 of this presentation, Corey.

5 QUESTIONS BY MR. RAFFERTY:

6 Q. So this is being given to the
7 retail chains, right?

8 A. So these presentations are
9 given to -- were given initially to retail
10 chains in -- when I first joined the team.
11 And I will -- to add some context to this, as
12 I prepared, these were not read word for
13 word. This is me preparing and using as a
14 guideline.

15 Q. I understand.

16 A. So this is not a presentation;
17 it's just speaking points. But I -- so I
18 wanted you to understand.

19 Q. I wasn't suggesting it was.

20 A. Right.

21 Q. But this is something that you
22 wrote, right?

23 A. It is.

24 [REDACTED]

[REDACTED]

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Q. Mr. Rannazzisi, he's with the
DEA, right?

A. He was.

Q. Was.

And he's the one that actually
wrote those letters back in 2006 and 2007
reiterating what your responsibilities are
under the Controlled Substances Act, true?

MS. HENN: Objection to form.

THE WITNESS: He wrote those.

QUESTIONS BY MR. RAFFERTY:

Q. Okay.

A. They came from him, sure.

Page 92

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QUESTIONS BY MR. RAFFERTY:

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Q. Okay. And you don't have any

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reason to dispute that, right?

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A. I don't.

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MS. HENN: Just a note to try
not to talk over each other, but go
ahead with your question.

QUESTIONS BY MR. RAFFERTY:

Q. I'm sorry, you want to finish?

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Okay.

25 MS. HENN: Counsel, we've been

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MR. RAFFERTY: Okay. We can
take a break now.

5

6

MS. HENN: Thank you.

7

8

VIDEOGRAPHER: The time is
10:16 a.m. We're going off the
record.

9

10

(Off the record at 10:16 a.m.)

11

12

VIDEOGRAPHER: The time is
10:29 a.m., and we're back on the
record.

13

14

MR. RAFFERTY: All right. Just
a little housekeeping here.

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In a stunning twist of fate, I
was actually wrong and Paul Farrell
was right. The date on the Boggs'
presentation, which is Exhibit 46 to
the deposition, is September 30, 2013.

21

22

MR. FARRELL: I'm sorry, Troy,
I missed that.

23

24

MS. HENN: Thank you, sir.

THE WITNESS: Thank you.

25

MR. RAFFERTY: It won't happen

1 again. There's a first time for
2 everything.

3 QUESTIONS BY MR. RAFFERTY:

4 Q. Okay. Now, getting back to the
5 questions.

6 Mr. Hartle, so we talked
7 earlier about the roles and responsibilities
8 that McKesson has as a distributor of
9 narcotics under the Controlled Substances
10 Act.

11 You would agree with me that in
12 2006 Mr. Rannazzisi, who we just talked about
13 a few minutes ago, on behalf of the United
14 States Department of Justice and the Drug
15 Enforcement Administration, sent a letter to
16 all distributors and registrants reiterating
17 the responsibilities and duties under the
18 Controlled Substance Act, right?

19 MS. HENN: Objection to form.

20 THE WITNESS: Yes, he did send
21 that.

22 (McKesson-Hartle Exhibit 49
23 marked for identification.)

24 QUESTIONS BY MR. RAFFERTY:

25 Q. Okay. All right. If we could

1 1.1464, which will be exhibit -- excuse me --
2 which will be Exhibit 49 to the deposition.

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Q. Okay. And in the letter it
specifically says at the top, "September 27,
2006."

Do you see that? Oh, no,
it's 1.1464.

All right. Looking at this
particular letter, once again, it's dated
September 27, 2006, right?

A. Correct.

Q. Okay. And he says here, "This
letter is being sent to every commercial
entity in the United States registered with
the DEA to distribute controlled substances."

Did I read that right?

A. Yes.

Q. "The purpose of this letter is
to reiterate the responsibilities of
controlled substance distributors in view of
the prescription drug abuse problem our
nation currently faces. "

1 Did I read that right?

2 A. You did.

3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Horizontal bar chart showing the percentage of respondents for various categories. The categories are listed on the left, and the percentage values are shown as horizontal bars. The categories are: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Category	Percentage
1	82
2	78
3	45
4	76
5	65
6	87
7	85
8	88
9	80
10	82
11	30
12	68
13	40
14	75
15	76
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17	85
18	80
19	82
20	85
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22	85
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98	80
99	82
100	85



Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	20%
65-74	15%
75-84	10%
85+	5%

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Figure 1. The effect of the number of trials on the number of correct responses.

Government	Percentage
Current government	85%
Previous government	15%

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1 Q. The DEA -- the next paragraph
2 says -- lays out that CFR we read about
3 designing and operating a system to disclose
4 suspicious orders.

5 You see that?

6 A. I do.

7 Q. Okay. And then going down to
8 the next one it says, "It bears emphasis that
9 the foregoing reporting requirement is in
10 addition to and not in lieu of the general
11 requirement under 21 USC 823(e) that a
12 distributor maintain effective controls
13 against diversion."

14 Do you see that?

15 A. I do.

16 [REDACTED]

[REDACTED]

[REDACTED]

19 Q. Okay. "Thus, in addition to
20 reporting all suspicious orders, a
21 distributor has a statutory responsibility to
22 exercise due diligence to avoid filling
23 suspicious orders that might be diverted into
24 other than legitimate medical, scientific and
25 industrial channels."

1 Did I read that correctly?

2 A. You did.

3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q. Okay. "Due diligence to avoid
12 filling suspicious orders," correct?

13 Okay. "In a similar vein,
14 given the requirements under 823(e) that a
15 distributor maintain effective controls
16 against diversion, a distributor may not
17 simply rely on the fact that the person
18 placing the suspicious order is a DEA
19 registrant and turn a blind eye to the
20 suspicious circumstances."

21 You see that?

22 A. I do.

23 [REDACTED]

[REDACTED]

[REDACTED]

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Q. Okay. "Again, to maintain effective controls against diversion as Section 823(e) requires, the distributor should exercise due care in confirming the legitimacy of all orders prior to filling."

You see that?

A. I do.

Q. Okay. And you see going to page 4, that's signed by Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control.

1 You see that?

2 A. I see that.

3 Q. Okay. Now, that was in
4 September of 2006.

5 Now, in December of 2007,
6 Mr. Rannazzisi sent another letter. You're
7 aware of that, correct?

8 A. Correct.

9 (McKesson-Hartle Exhibit 50
10 marked for identification.)

11 QUESTIONS BY MR. RAFFERTY:

12 Q. Okay. And this will be marked
13 as Exhibit 50 to the deposition.

14 So here, December 27, 2007.
15 Just so happens to be the monitor that I
16 can't see that is there.

17 You see the date there,
18 December 27, 2007, sir?

19 A. I do.

20 Q. Okay. Once again, this one
21 is -- now, this one is specifically addressed
22 to McKesson Corporation.

23 Do you see that?

24 A. I see that.

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Q. All right. Once again he says,

6

"This letter is being sent to every entity in

7

the United States registered with the DEA to

8

manufacture or distribute controlled

9

substances."

10

Do you see that?

11

A. I do.

12

Q. Okay. Once again he says, "The

13

purpose of this letter is to reiterate the

14

responsibilities of controlled substance

15

manufacturers and distributors to inform DEA

16

of suspicious orders in accordance with 21

17

CFR 1301.74 subsection B.

18

Do you see that?

19

A. Right. I do.

20

Q. Once again he uses that word

21

"reiterate," right?

22

A. Yes.

23

Q. Okay. Down to the next

24

paragraph it says, "In addition to and not in

25

lieu of the general requirement under 21 USC

1 823 that manufacturers and distributors
2 maintain effective controls against
3 diversion, DEA require -- regulations require
4 all manufacturers and distributors to report
5 suspicious orders of controlled substances."

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 Q. Okay. Then going down, the
19 regulation -- the regulation clearly
20 indicates that "it is the sole responsibility
21 of the registrant to design and operate such
22 a system."

23 Did I read that right?

24 A. Yes.

25 [REDACTED]

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Q. Okay. And then going further
down it says, "The regulation also" -- this
is the third full paragraph, sir, I'm sorry.

"The regulation also requires
that the registrant inform the local DEA
division office of suspicious orders when
discovered by the registrant."

Do you see that?

A. I see that.

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6 QUESTIONS BY MR. RAFFERTY:

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Q. "Reporting an order as
suspicious will not absolve the registrant of
responsibility if the registrant knew or
should have known that the controlled
substances were being diverted."

Do you see that?

A. I see that.

Q. So what he's saying there is
you must not ship suspicious orders.
Reporting isn't enough. If you have a
suspicious order, you must not ship it, true?

MS. HENN: Objection to form.

THE WITNESS: Can you say that
once again?

QUESTIONS BY MR. RAFFERTY:

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Q. And then it goes through and

1 describes again that suspicious orders are
2 orders of unusual size, pattern or frequency.

3 You see that?

4 A. I see that, yeah.

5 Q. All right. Then finally
6 turning to page 2, "Registrants" -- the top
7 paragraph.

8 "Registrants that rely on rigid
9 formulas to define whether an order is
10 suspicious may be failing to detect
11 suspicious orders."

12 You see that?

13 A. I see that.

14 Q. "For example, a system that
15 identifies orders as suspicious only if the
16 total amount of a controlled substance
17 ordered during one month exceeds the amount
18 ordered the previous month by a certain
19 percentage or more is insufficient."

20 You see that?

21 A. I see that.

22 Q. "This system fails to identify
23 orders placed by a pharmacy if the pharmacy
24 placed unusually large orders from the
25 beginning of its relationship with the

```
1 distributors."
```

2 So if you have -- you have to
3 have more than just an algorithm or a formula
4 to detect suspicious orders; that's what he's
5 telling you there, right?

6 MS. HENN: Objection to form.

7 THE WITNESS: Can you ask your
8 question again, clarify your question?

9 QUESTIONS BY MR. RAFFERTY:

10 Q. Yeah.

[illegible]

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■

3 QUESTIONS BY MR. RAFFERTY:

4 Q. All right. "Also, this system
5 would not identify orders as suspicious if
6 the order were solely for one highly abused
7 controlled substance if the orders never grew
8 substantially."

9 Do you see that?

10 A. I see that.

11 Q. "Nevertheless, ordering one
12 highly abused controlled substance, and
13 little or nothing else, deviates from normal
14 pattern of what pharmacies generally order."

15

■

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■

20 QUESTIONS BY MR. RAFFERTY:

21 Q. Okay. All right. In
22 implementing a -- in designing and operating
23 an effective system to detect suspicious
24 orders or in performing the due diligence to
25 detect a suspicious order, you would agree

1 with me that a distributor of narcotics
2 should err on the side of the public safety
3 and health in making those decisions,
4 correct?

5 MS. HENN: Objection to form.

6 THE WITNESS: Can you -- can
7 you restate that or --

8 QUESTIONS BY MR. RAFFERTY:

9 Q. Yeah.

Category	Percentage
10	100
11	100
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QUESTIONS BY MR. RAFFERTY:

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Downloaded from <http://ajph.org/> at University of California, San Diego on June 11, 2015

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Response	Percentage
Yes	65%
No	30%
Don't know	5%

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Figure 1. The effect of the number of trials on the number of correct responses.

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(McKesson-Hartle Exhibit 51

marked for identification.)

MR. RAFFERTY: This is -- I'm

handing counsel P1.345, which is

Exhibit 51 to the deposition.

QUESTIONS BY MR. RAFFERTY:

Horizontal bar chart showing the percentage of respondents for various categories across different groups. The categories are numbered 1 through 20. The groups are represented by different shades of gray bars.

Category	Group 1 (Dark Gray)	Group 2 (Medium Gray)	Group 3 (Light Gray)
1	75%	0%	0%
2	90%	0%	0%
3	20%	0%	0%
4	0%	40%	0%
5	0%	10%	10%
6	0%	10%	70%
7	85%	0%	0%
8	85%	0%	0%
9	80%	0%	0%
10	0%	40%	0%
11	0%	10%	30%
12	0%	10%	85%
13	25%	0%	0%
14	0%	40%	0%
15	80%	0%	0%
16	0%	10%	30%
17	0%	10%	70%
18	85%	0%	0%
19	0%	40%	0%
20	0%	10%	30%

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Age Group	Percentage
18-24	10%
25-34	15%
35-44	25%
45-54	30%
55-64	15%
65-74	10%
75-84	5%
85+	5%

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

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Figure 1. The effect of the number of trials on the number of correct responses.

Figure 1. The effect of the number of trials on the number of correct responses.

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Response	Percentage
Yes, the current system is the best way to run the country	55%
No, the current system is not the best way to run the country	45%

Responsibility	Percentage
Current government	75%
Previous government	15%
Neither	10%

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MS. HENN: Objection to form.

3

QUESTIONS BY MR. RAFFERTY:

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QUESTIONS BY MR. RAFFERTY:

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Q. I think you've already got this
in front of you. It's Exhibit 47. It's your
presentation notes.

And we also know that doctor --

1 or that Mr. Rannazzisi specifically said in
2 his 2007 letter you can't simply rely or turn
3 a blind eye simply because the Rite Aid
4 you're providing drugs to or the CVS you're
5 providing drugs to has their own
6 registrant -- are registrants of the DEA,
7 right?

8 MS. HENN: Sorry, could you
9 just read that again? It was a little
10 hard to hear.

11 QUESTIONS BY MR. RAFFERTY:

12 Q. Yeah.

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

21 QUESTIONS BY MR. RAFFERTY:

22 [REDACTED]
[REDACTED]
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1 QUESTIONS BY MR. RAFFERTY:

2 Q. Okay. All right. Well, let's
3 talk about a couple of those. Let's look at
4 1.1470, which is going to be Exhibit 52.

5

6

7

8 Q. Okay. And have you reviewed
9 this particular one?

10 A. Let me take a peek real quick
11 here.

12 Q. It was in 2008, so it was
13 before you --

14 A. Well before I joined McKesson,
15 certainly.

16 Q. Right.
17 But I'm curious if you've seen
18 it since coming to --

19 A. I have.

20

21

22

23

24

25

25

A. 2014.

1 Q. I'm not suggesting you were at
2 this time.

3 A. Right.

4 [REDACTED]

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(McKesson-Hartle Exhibit 53

marked for identification.)

QUESTIONS BY MR. RAFFERTY:

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Q. Okay. RNA, that's the retail
national accounts. Those are the big ones,
right?

A. Those are chains.

Q. Chains. The big chains,
national chains, right?

MS. HENN: Objection to form.

THE WITNESS: There's actually
a variety of chains. Some can be
specific to a state, to a geography,
national. There's variety of them.

QUESTIONS BY MR. RAFFERTY:

Q. Well, you call them retail

1 national accounts, right?

2 A. That's the name of the
3 segments, but I'm saying within there there's
4 variations.

5  

Age Group	Percentage
18-24	10%
25-34	25%
35-44	35%
45-54	20%
55-64	10%
65-74	5%
75-84	5%
85+	5%

Response	Percentage
Yes, the U.S. should take action to reduce global warming	85%
No, the U.S. should not take action to reduce global warming	15%

Response	Percentage
Yes	65%
No	30%
Don't know	5%

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	93%
No, the U.S. should not take action to reduce greenhouse gas emissions	7%

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Responsibility	Percentage
Current government	45%
Previous government	35%
Global economic conditions	20%

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100 *Journal of Management Inquiry*

Responsibility	Percentage
Current government	75%
Opposition	15%
Both	10%

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Do you know who Dave Gustin is?

8

A. I do know who Dave Gustin is.

9

Q. Okay. Who he is?

10

A. Dave is a former McKesson

11

employee. He was a director of regulatory

12

affairs at times.

13

Q. Okay. A director of regulatory

14

affairs, right?

15

A. Correct.

16

Q. Okay. One step below you,

17

right?

18

A. Yes. One level, yeah.

19

Q. One level.

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Q. All right. From Dave Gustin to

24

Micheal Bishop.

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Do you know who Micheal Bishop

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1 Thanksgiving is not a permanent
2 holiday, is it?

3 MS. HENN: Objection to form.

4 QUESTIONS BY MR. RAFFERTY:

5 Q. Pretty sure for the week after
6 Thanksgiving, Thanksgiving is not around for
7 another year, right?

8 A. Permanent in that it happens
9 every year, but not permanent in that sense.

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(McKesson-Hartle Exhibit 54

marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. Let's go to 1.1433. This will

be Exhibit 54.

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Q. August 13, 2014. This is while
you're there at McKesson now, right?

A. Excuse me?

Q. You're at McKesson as of August
13, 2014?

A. I am. In May, yeah.

Q. Okay. You are senior
regulatory affairs director for national
accounts at that time, true?

A. Correct.

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	95%
No, the U.S. should not take action to reduce greenhouse gas emissions	5%

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[illegible]

1 [REDACTED]

2 [REDACTED]

3 MS. HENN: Counsel, can I just
4 pause for a minute?

5 Counsel, if there's a need to
6 have conversations, we reserved a room
7 just next door, and I would ask you to
8 either refrain from talking and
9 distracting the witness or please
10 leave the room. Is that okay?

11 Thank you, sir.

12 QUESTIONS BY MR. RAFFERTY:

13 [REDACTED]

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QUESTIONS BY MR. RAFFERTY:

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Q. All right. Now let's --

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MS. HENN: Counsel, it's

19

getting close to lunch and we've been

20

going on an hour and 20 minutes.

21

Would this be a good time for a break

22

to get some lunch?

23

MR. RAFFERTY: Well, it's up to

24

the witness, obviously, but if we

25

could accommodate ten more minutes, I

1 can get through this particular --

2 THE WITNESS: What time is it?

3 MS. HENN: It's 11:52 or 3.

4 THE WITNESS: That's fine.

5 MR. RAFFERTY: Is that okay?

6 THE WITNESS: That's okay.

7 MR. RAFFERTY: Totally up to
8 you. I don't want to force you.

9 THE WITNESS: No, that's okay.

10 MS. HENN: Don't push it.

11 (McKesson-Hartle Exhibit 55

12 marked for identification.)

13 QUESTIONS BY MR. RAFFERTY:

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24 QUESTIONS BY MR. RAFFERTY:

25 Q. Okay. And if we look at

1 1.1461, which will be Exhibit 55 to the
2 deposition.

3 Now, this is from Nate Hartle.
4 Do you see that at the top?

5 A. I do.

6 Q. Okay. Now -- and this is dated
7 July 23, 2014, right?

8 A. Yes.

9 Q. So just about a month before
10 that letter from the US Attorney, right?

11 A. Correct.

12 Q. That we just looked at?

13 A. Right after I joined.

14 Q. Okay. And this is right after
15 you joined, right?

16 (McKesson-Hartle Exhibit 56
17 marked for identification.)

18 QUESTIONS BY MR. RAFFERTY:

19 Q. Okay. Now I want to show you
20 1.1458, which will be Exhibit 56 to the
21 deposition.

22 All right. This is another
23 e-mail from Nate Hartle, September 9, 2014.

24 Do you see that?

25 A. I do.

1 Q. Okay. Let's focus on -- now,
2 this is about a month after you got the
3 letter, so let's be clear.

4 [REDACTED]

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QUESTION

☐ ☐ ☐

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	85%
No, the U.S. should not take action to reduce greenhouse gas emissions	15%

Response	Percentage
Yes	100%
No	0%

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups. The number of correct responses was significantly higher than the number of incorrect responses for all groups.

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QUESTIONS BY MR. RAFFERTY:

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Q. All right. Now --

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MS. HENN: Counsel, we're going to need to take a break. It's been an hour and 40 minutes.

8

9

10

VIDEOGRAPHER: Okay. The time is 12:08 p.m., and we're going off the record.

11

(Off the record at 12:08 p.m.)

12

13

14

VIDEOGRAPHER: The time is 1:01 p.m., and we're back on the record.

15

QUESTIONS BY MR. RAFFERTY:

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Q. Mr. Hartle, just to kind of close the loop on where we were before the lunch break.

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher for the 10-trial condition than for the 5-trial condition. Error bars represent the standard error of the mean.

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Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%

Category	Percentage
Very important	10%
Important	40%
Not important	50%

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(McKesson-Hartle Exhibit 58

marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. Okay. Now -- all right.

Looking at P1.88, this is a copy of the
administrative memorandum of agreement
pertaining to the 2017 settlement.

Have you reviewed this before?

A. I have.

Q. Okay. And if you would, please

1 turn to the back page, which is P -- I'm
2 sorry, page 14. Page 14.

3 Oh, I'm sorry, it's 58. I'm
4 sorry, did you -- have you seen this before,
5 Mr. Hartle?

6 A. I have.

7 Q. Okay. If you would, turn to
8 page 14. And if you look over there, the
9 signatures of the acting administrator of the
10 Drug Enforcement Administration and assistant
11 administrator for the Diversion Control
12 Division of DEA; do you see that?

13 A. I see that.

14 Q. And those are dated January 17,
15 2017, right?

16 A. Correct.

17 Q. And that's the date that the
18 agreement was finalized and the \$150 million
19 fine was levied, correct?

20 MS. HENN: Objection to form.

21 THE WITNESS: That's the date.

22 (McKesson-Hartle Exhibit 59
23 marked for identification.)

24 QUESTIONS BY MR. RAFFERTY:

25

A horizontal bar chart with 20 rows, each representing a category. The first column contains a label (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20). The second column contains a percentage value. The third column contains a horizontal bar representing the percentage. The bars are gray and have varying lengths, indicating different percentages for each category. The categories are listed in the first column, and the corresponding percentages are in the second column.

Category	Percentage
1	100%
2	80%
3	60%
4	40%
5	60%
6	20%
7	100%
8	100%
9	100%
10	60%
11	100%
12	100%
13	60%
14	100%
15	100%
16	100%
17	100%
18	100%
19	100%
20	100%

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Response	Percentage
Doing a good job	65%
Not doing a good job	35%

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Response	Percentage
Yes, the U.S. should take action to reduce global warming	89%
No, the U.S. should not take action to reduce global warming	11%

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	95%
No, the U.S. should not take action to reduce greenhouse gas emissions	5%

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	20%
65-74	15%
75-84	10%
85+	5%



Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

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Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	20%
65-74	15%
75-84	10%
85+	5%

Figure 1

Response	Percentage
Yes	75%
No	18%
Don't know	7%

1

Response	Percentage
Yes	65%
No	35%
Don't know	0%

1. ☐ **Yes**

☐ _____

Age Group	Percentage
18-24	10%
25-34	15%
35-44	25%
45-54	30%
55-64	15%
65-74	10%
75-84	5%
85+	5%

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I

1

2 Q. Well, let me show you what
3 we're going to mark as Exhibit 60, which is
4 P1.1453.

5 So here, if you look at the
6 date at the top, it's March 2017.

7 You see that?

8 A. I do.

9 Q. Three months after -- roughly
10 three months after your e-mail, correct, of
11 January 2017?

12 A. Three months after.

13 Q. So here's what the headline is.
14 Have you ever looked at this article before?
15 You ever seen this?

16 A. I don't recognize this one.

17 Q. It says -- the headline is, or
18 the title of it is, "Too Many Bodies in Ohio
19 Morgue, So Coroner Gets Death Trailer."

20 Have you ever heard that phrase
21 "death trailer"?

22 A. I have not.

23 Q. Do you know that Ohio, the
24 State of Ohio, had to go out and buy a death
25 trailer because of the number of opioid

1 deaths that were occurring in that state back
2 when you were telling your customers it's
3 business as usual?

4 MS. HENN: Objection to form.

5 THE WITNESS: I did not know of
6 a death trailer.

7 QUESTIONS BY MR. RAFFERTY:

8 Q. Okay. Well, let's look and see
9 what it says.

10 It says, "It's moot testimony
11 to the opioid addiction plague that has been
12 ravaging Ohio, a 20-foot-long air-conditioned
13 trailer with room for 18 bodies."

14 Do you see that?

15 A. I do see that.

16 Q. "The Stark County coroner in
17 Canton had a cold storage mass casualty
18 trailer trucked in on Saturday because the
19 morgue was overflowing with bodies, nearly
20 half of the victims from drug overdoses."

21 Do you see that?

22 A. I do.

23 Q. Okay. If you turn to .3, this
24 is a picture from inside the death trailer.

25 Do you see that?

1 A. I do.

2 Q. And then if you go to .4, and
3 if you look, it says specifically, "Coroners
4 in the counties of Ashtabula and Cuyahoga,"
5 which is where Cleveland is located, "have
6 had to deploy the trailers when their morgues
7 became too jammed, he said. The medical
8 examiner in Summit County," where Akron is
9 located, "asked the Ohio department to send
10 one over last summer when there was a spike
11 in drug overdoses, the Akron Beacon Journal
12 reported. Just this year alone, there have
13 been 90 overdose deaths in Stark County and
14 109 in Cuyahoga County, according to the
15 Akron newspaper."

16 Did I read that correctly?

17 A. You did.

18 Q. "But the situation in the rust
19 belt states like Ohio, where the drug
20 overdose rate is 2015, was most -- the most
21 recent federal figures available was 29.9 per
22 100,000 people is especially dire."

23 Is that what that says?

24 A. It does say that.

25 Q. Now, this is in March of 2017.

1

2

(McKesson-Hartle Exhibit 48

3

marked for identification.)

4

QUESTIONS BY MR. RAFFERTY:

5

Q. If we look now at

6

Exhibit 1153 -- you got it? I already marked

7

these -- which is -- I'm sorry, is marked

8

Exhibit 48.

9

And if you turn to page -- this

10

is the -- just so the -- we identify the

11

document, it's P1.1153, and it is from the

12

DEA, "Effective controls against diversion."

13

Have you seen this before?

14

You know what? I withdraw the

15

question. Let's just go to .44.

16

A. I'd still like to take a quick

17

peek. I want to see...

18

Q. Okay. Go to .44, please.

19

You there?

20

A. Almost. .44. Okay.

21

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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And then the second bullet

1 point is, "Is there a problem with controlled
2 substances in this particular state? If so,
3 what is the problem, what are the controlled
4 substances involved," right?

5 A. That's what it says.

6 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

21 [REDACTED]

[REDACTED]

[REDACTED]

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MC HENN Don't be dumb!

36. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$ $\frac{1}{2} \times \frac{1}{3} = \frac{1}{6}$ $\frac{1}{2} \times \frac{1}{4} = \frac{1}{8}$ $\frac{1}{2} \times \frac{1}{5} = \frac{1}{10}$

1 out.

2 MR. RAFFERTY: Okay. Well,
3 let's take five minutes and just get
4 it on.

5 MS. HENN: Let's go off the
6 record for a second.

7 VIDEOGRAPHER: The time is
8 1:30 p.m., and we're going off the
9 record.

10 (Off the record at 1:29 p.m.)

11 VIDEOGRAPHER: The time is
12 1:32 p.m., and we're back on the
13 record.

14 QUESTIONS BY MR. RAFFERTY:

15 Q. All right. Let's -- all right.
16 Let's look at what else is going on.

17 During 2014, there were some --
18 you're familiar with HDMA. We talked a
19 little bit about that earlier, right?

20 A. I am.

21 Q. That's your trade organization?

22 A. Right. Correct.

23 (McKesson-Hartle Exhibit 61
24 marked for identification.)
25

1 QUESTIONS BY MR. RAFFERTY:

2 Q. Okay. And if we look at 1490,
3 which will be Exhibit 61 to the depo.

4 So this is right around the
5 time you're starting at McKesson, right, May
6 2014?

7 A. In 2014.

8 Q. Okay. "SGAC annual meeting."
9 Do you see that?

10 A. I see that.

11 Q. And what is that; do you know?

12 A. I don't know.

13 Q. It says "HDMA" down at the
14 bottom, Healthcare Distribution Management
15 Association. You guys are on the -- you
16 guys. You're -- McKesson is on the executive
17 committee of that, right?

18 A. Correct.

19 Q. Okay. And it says, if you look
20 at point 2, "HDMA state government affairs
21 capabilities, prepared for the HDMA executive
22 committee expense working group."

23 Do you see that?

24 A. I do see that.

25 Q. And one of the things, if you

1 turn over a couple of pages to .4, one of the
2 things it says is, "Challenges on the
3 horizon: State efforts to address, reduce,
4 prevent prescription abuse and diversion."

5 Do you see that?

6 A. I see that.

A horizontal bar chart titled 'Percentage of respondents who believe the U.S. should take action to reduce greenhouse gas emissions'. The chart displays data for two groups: 'All respondents' and 'U.S. adults'. Each group is further divided into 'Men' and 'Women'. The bars represent the percentage of respondents in each category who believe the U.S. should take action to reduce greenhouse gas emissions. The y-axis lists the categories, and the x-axis represents the percentage from 0 to 100.

Group	Gender	Percentage
All respondents	Men	77%
	Women	80%
U.S. adults	Men	77%
	Women	80%

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11 Q. Okay. Well, let's see what --
12 14.55, please. This is already 47.

13 MS. HENN: Counsel, one note.
14 This document was labeled Exhibit 48
15 on the actual document, which I'm not
16 sure is right.

17 MR. RAFFERTY: You know, I
18 know, because I went to mark it and
19 then I set it aside, so...

20 MS. HENN: At a break or
21 something. Okay.

22 MR. RAFFERTY: All right. So
23 this is already Exhibit 47 that I'm
24 looking at now.

25 MS. HENN: Okay.

1 MR. RAFFERTY: Is it 47? No,
2 no, no. It's already -- no. No. I
3 was saying it's previously been
4 marked. It's your presentation notes.

5 THE WITNESS: Oh.

6 MS. HENN: Oh, I see what
7 you're saying.

8 MR. RAFFERTY: Yeah.

9 MS. HENN: Pardon me.

10 MR. RAFFERTY: We had just
11 skipped the number 48 because I took
12 it out of order.

13 MS. HENN: Understood.

14 QUESTIONS BY MR. RAFFERTY:

15 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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Q. Okay. Now, the fact of the matter is is you did start seeing, for example, different states and state Boards of Pharmacy cracking down and trying to make sure and reduce diversion through their states, correct?

MS. HENN: Objection to form.

THE WITNESS: Could you ask that again?

QUESTIONS BY MR. RAFFERTY:

Q. Yeah.

1 You did see that --

2 A. Yeah.

[illegible]

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Government	Percentage
Current government	75%
Previous government	25%

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16 QUESTIONS BY MR. RAFFERTY:

17 Q. So you've never seen this
18 before?

19 A. I don't recall it. I can't say
20 I've never seen it.

21 (McKesson-Hartle Exhibit 63
22 marked for identification.)

23 QUESTIONS BY MR. RAFFERTY:

24 Q. Let me show you 1456.

25 Now this was, what, nine months

1 ago, right? Roughly? It's October 2017.

2 What is that, nine, ten months ago?

3 A. Right.

4 Q. And I'll hand you what's been
5 marked as 63.

6 [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

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(McKesson-Hartle Exhibit 64

marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. Okay. In fact, let's look
at -- sorry about that.

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Response	Percentage
Yes, the government is doing a good job	65%
No, the government is not doing a good job	35%

Response	Percentage
Yes, the current system is the best way to run the country	65%
No, the current system is not the best way to run the country	35%

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1 QUESTIONS BY MR. RAFFERTY:

2 Q. Okay. And as I said before,
3 this isn't -- there have been -- there was in
4 2008 a settlement that we talked a little bit
5 about earlier involving the failure for -- a
6 failure of McKesson to report suspicious
7 orders of its narcotics, right?

8 MS. HENN: Objection to form.

9 THE WITNESS: I apologize. Can
10 you say that one again?

11 QUESTIONS BY MR. RAFFERTY:

12 Q. 2008 --

13 A. 2008.

14 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 (McKesson-Hartle Exhibit 65
20 marked for identification.)

21 QUESTIONS BY MR. RAFFERTY:

22 Q. Okay. If we could look now at
23 1.889, which will be Exhibit 65.

24 This is a copy of the
25 settlement and release agreement and

1 administrative memorandum of agreement from
2 the 2008 settlement.

3 Do you see that?

4 A. I do see that.

5 Q. Okay. Now, if we turn to -- I
6 just want to make a list here.

7 Now, this resulted in the
8 \$13.25 million fine, right?

9 A. Correct.

10 MR. RAFFERTY: Okay. So if I
11 could have a piece of paper, Carol.

12 QUESTIONS BY MR. RAFFERTY:

13 Q. So if we look over on
14 page .2 -- not .2 -- on page -- Bates
15 stamp -- you see the Bates number down at the
16 bottom?

17 A. Yeah.

18 Q. 1060 is the page we need to go
19 to. Sorry, mine is not numbered.

20 All right. So this 2008
21 involved -- and it says, "Covered Conduct."
22 Covered conduct involved in this, in the --
23 involved, A, within the District of Maryland,
24 and it involved McKesson-Landover.

25 Do you see that?

1 A. Yes.

2 Q. So that's Landover, Maryland.

3 And in Landover, Maryland, they
4 allege that there was approximately 3 million
5 dosage units of hydrocodone sold to New Care
6 Pharmacy in Baltimore, and failed to report
7 these as suspicious orders to the DEA when
8 discovered, right?

9 MS. HENN: Objection to form.

10 QUESTIONS BY MR. RAFFERTY:

11 Q. That's what it says?

12 A. That's what it says.

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 QUESTIONS BY MR. RAFFERTY:

21 Q. Okay. And then second, letter
22 B down there is, "Within the middle district
23 of Florida, in October 2005,
24 McKesson-Lakeland sold approximately
25 2.1 million dosage units of hydrocodone to

1 seven pharmacies in the Tampa area and failed
2 to report these as suspicious orders."

3 Right?

4 MS. HENN: Objection to form.

5 THE WITNESS: That's what it
6 says.

7 QUESTIONS BY MR. RAFFERTY:

8 Q. Okay. C is, "From February to
9 September 2007, McKesson-Conroe sold
10 approximately 2 million dosage units of
11 hydrocodone."

12 That's Conroe, Texas, right?

13 MS. HENN: Objection to form.

14 QUESTIONS BY MR. RAFFERTY:

15 Q. It says "within the Southern
16 District of Texas"?

17 MS. HENN: Objection to form.

18 THE WITNESS: Correct.

19 QUESTIONS BY MR. RAFFERTY:

20 Q. And then turning the page:
21 "Within the District of Colorado, from
22 September 2005 through November 2007,
23 McKesson-Aurora sold large quantities of
24 hydrocodone to three Colorado pharmacies and
25 failed to report these as suspicious orders."

1 That's what it says, correct?

2 A. That's what it says.

3 Q. F -- or I'm sorry, E. "Within
4 the District of Utah, from January 2005
5 through October 2007, McKesson-Salt Lake City
6 sold approximately 824,000 dosage units of
7 hydrocodone, oxycodone and fentanyl and
8 methadone to the Blackfeet Clinic in
9 Browning, Montana, and failed to report these
10 sales as suspicious orders."

11 Is that right?

12 A. That's what it says.

13 Q. Okay. "Within the Eastern
14 District of California, from October 2007
15 through June 2007, McKesson-West Sacramento
16 suffered theft and significant loss of
17 controlled substances on 28 separate
18 occasions and failed to timely submit
19 required theft and loss reports to the DEA."

20 Do you see that?

21 A. That's what it says as well.

22 Q. And if you turn to page --
23 Bates number ending 1062, so a couple pages
24 over, "Terms and Conditions." And it lists
25 out the way the 13.25 million got calculated,

1 right?

2 A. It does.

3 Q. Okay. It goes through all
4 those.

5 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12 QUESTIONS BY MR. RAFFERTY:

13 Q. Okay. In fact, it also says,
14 "McKesson represents that it's taking -- it
15 has taken good faith actions to detect and
16 prevent diversion, including agreeing to
17 implement the policies and procedures that
18 are subject of an administrative settlement
19 agreement between it and DEA dated May 2,
20 2008."

21 And then if you turn to the
22 first page, that discusses some of the items
23 that they have discussed, and in particular
24 if you turn to Bates number page ending 1050.

25 And it goes on and says,

1 "Obligations" -- under terms and conditions.

2 "Obligations of McKesson. McKesson agrees to
3 maintain a compliance program designed to
4 detect and prevent diversion of controlled
5 substances as required under the CSA and
6 applicable DEA regulations."

7 Do you see that?

8 A. I see that.

9 Q. "This program shall include
10 procedures to review orders for controlled
11 substances. Orders that exceed established
12 thresholds and criteria will be reviewed by a
13 McKesson employee trained to detect
14 suspicious orders."

15 Did I read that correctly?

16 A. Yes.

17 Q. "Such orders should not be
18 filled" -- I'm sorry, I missed a part
19 there -- "will be reviewed by a McKesson
20 employee trained to detect suspicious orders
21 for the purpose of determining whether, one,
22 such orders should be not filled and reported
23 to the DEA, or based on a detailed review,
24 the order is for legitimate purposes and the
25 controlled substances are not likely to be

1 diverted into other than legitimate medical,
2 scientific and industrial channels."

3 Do you see that?

4 A. Yep. That's what it says.

5 Q. "Orders identified as
6 suspicious will be reported to the DEA as
7 discussed in Subsection 2."

8 And then it says, "This
9 compliance program shall apply to all current
10 and future McKesson distribution centers."

11 You see that?

12 A. I do.

Category	Percentage
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%
11	100%
12	100%
13	100%

24 QUESTIONS BY MR. RAFFERTY:

25 Q. Okay. And then it goes on to

1 at 1.1432. This is Exhibit 66. This is
2 dated November 6, 2013.

3



Age Group	Percentage
18-24	15%
25-34	25%
35-44	30%
45-54	30%

Response	Percentage
Doing a good job	45%
Not doing a good job	55%

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A horizontal bar chart with 25 rows, each representing a different category of people who have been in contact with someone who has COVID-19. The categories are numbered 1 through 25 on the left. The bars are gray and their lengths represent the percentage of respondents for each category. The background is light gray with white horizontal grid lines. The categories and their approximate percentages are as follows:

Category	Percentage
1	85%
2	85%
3	25%
4	45%
5	25%
6	25%
7	25%
8	85%
9	85%
10	85%
11	85%
12	85%
13	85%
14	85%
15	85%
16	25%
17	45%
18	45%
19	45%
20	85%
21	25%
22	85%
23	25%
24	85%
25	25%

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(McKesson-Hartle Exhibit 68

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QUESTIONS BY MR. RAFFERTY:

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Response	Percentage
Yes	75%
No	25%

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Response	Percentage
Yes, the U.S. should take action to address climate change	85%
No, the U.S. should not take action to address climate change	15%

100% 75% 50% 25% 0%

Government	Percentage
Current government	100%
Previous government	0%



Response	Percentage
Not responsible	10%
Somewhat responsible	20%
Somewhat responsible	30%
Responsible	40%

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■ **THE FUTURE OF THE INDUSTRY**

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	85%
No, the U.S. should not take action to reduce greenhouse gas emissions	15%

Response	Percentage
Doing a good job	45%
Not doing a good job	55%

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QUESTIONS BY MR. RAFFERTY:

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MS. HENN: Counsel, is this a
good time for a five-minute?

MR. RAFFERTY: Yeah.

MS. HENN: Thank you very much.

VIDEOGRAPHER: The time is
2:18 p.m., and we're going off the
record.

(Off the record at 2:18 p.m.)

VIDEOGRAPHER: The time is
2:28 p.m., and we're back on the
record.

QUESTIONS BY MR. RAFFERTY:

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Government	Percentage
Current government	100%
Previous government	0%

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

☐ ☐

Age Group	Percentage
18-24	10%
25-34	20%
35-44	25%
45-54	20%
55-64	15%
65-74	10%
75-84	5%
85+	5%

□ _____

Age Group	Percentage
18-24	10%
25-34	20%
35-44	30%
45-54	25%
55-64	15%
65-74	10%
75-84	5%
85+	5%

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%

QUESTION _____

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	85%
No, the U.S. should not take action to reduce greenhouse gas emissions	15%

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QUESTIONS BY MR. RAFFERTY:

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MS. HENN: Objection to form.

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THE WITNESS: Excuse me.

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QUESTIONS BY MR. RAFFERTY:

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Figure 1. The effect of the number of trials on the number of correct responses.

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Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher for the 10-trial condition than for the 5-trial condition.

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Response	Percentage
Yes	55%
No	35%
Don't know	10%

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Q. Okay. And when you came on board with your experience from Target and you, as part of your job, have to know what the CSMP is, you knew this was in there, right?

MS. HENN: Objection to form.

QUESTIONS BY MR. RAFFERTY:

Q. You reviewed these policies?

A. I reviewed this document, yeah.

Q. Right.

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Q. Okay. All right. Let's look
at 1.1443. Oh, that's what was -- that's the
one we're on now.

Oh, 43. Yes. And that has
previously been marked as Exhibit 54. Oh,
40, I'm sorry. The numbers are too close.
They're 1433 and 1443. Okay. So this is
Exhibit 1.1443.

(McKesson-Hartle Exhibit 69
marked for identification.)

QUESTIONS BY MR. RAFFERTY:

Q. This is Exhibit 1.1443, now
marked as Exhibit 69.

This is November 4, 2014, and
it is from the US Department of Justice DEA

1 in Springfield, Virginia.

2 Do you see that?

3 A. Yes.

4

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	90%
No, the U.S. should not take action to reduce greenhouse gas emissions	10%

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	95%
No, the U.S. should not take action to reduce greenhouse gas emissions	5%

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

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A horizontal bar chart with 20 rows. The first row is labeled '1' on the left. Each row contains a small square icon on the left, followed by a horizontal bar. The bars vary in length and are positioned at different vertical levels, suggesting a non-linear scale. The bars are gray, and the background is white. The chart is enclosed in a thin black border.

Category	Percentage (approximate)
1	95%
	90%
	30%
	55%
	20%
	85%
	92%
	90%
	55%
	20%
	50%
	85%
	98%
	88%
	88%
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	20%
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	70%
	55%
	20%
	85%
	95%

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Figure 1. The effect of the number of trials on the number of correct responses.

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Now, if we go forward now, this

is in November 2014.

Now -- well, first of all,

let's take a look at 1.098.

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 Q. Yet in 2015, you-all --

9 A. What page are we on?

10 Q. Sorry. Page 24 of the report.

11 In 2015, the bottom paragraph:

12 "Since 2015" -- the company provided the
13 following data: In 2015, after it's been --
14 being investigated by the DEA, the DOJ, the
15 company reported over 230,000 suspicious
16 orders.

17 MS. HENN: Sorry, so you're on
18 page --

19 MR. RAFFERTY: Page 24.

20 MS. HENN: Not .28.

21 MR. RAFFERTY: Oh, yeah, I'm
22 sorry, mine's not -- sorry.

23 QUESTIONS BY MR. RAFFERTY:

24 Q. Last sentence on that page.

25 A. Okay.

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Q. Okay. Now, if we could go to the -- let's see, 1.088. Exhibit 58. This is the copy we talked about earlier, so I'm only going to go through one particular aspect of it.

A. I apologize, I don't have my 58 quite yet. I'm a bit out of order.

Q. Okay.

A. Sorry about that. I have it now.

Q. Okay. If you look at page -- this is the administrative memorandum of

1 agreement for the 2017 \$150 million
2 settlement, correct?

3 A. Correct.

4 Q. Okay. So in here it says on
5 page 3, .3, it says, "Covered Conduct."

6 Do you see that?

7 "For the purpose of this
8 agreement, covered conduct means the
9 following conduct alleged by the government
10 for the covered time period."

11 And it says, "McKesson failed
12 to maintain effective controls against
13 diversion of particular controlled substances
14 into other than legitimate medical,
15 scientific and industrial channels by sales
16 to certain of its customers, in violation of
17 the CSA and CSA's implementing regulations at
18 McKesson distribution centers, including the
19 following."

20 So we're going to go through
21 and list those, and if they're not on this
22 list already, I'm going to add them, okay?

23 A. Okay.

24 Q. Aurora, Colorado, that's on
25 there.

1 Aurora, Illinois, is not on
2 there.

3 Delran, New Jersey, not on
4 there.

5 Lacrosse, Wisconsin, not on
6 there.

7 Lakeland, Florida, that's on
8 there.

9 Landover, Maryland, that's on
10 there.

11 La Vista, Nebraska.

12 Livonia, Michigan, that's on
13 there.

14 Methuen, Massachusetts, that's
15 on there.

16 Santa Fe Springs, California,
17 that's not on there.

18 Washington Court House, Ohio,
19 that's on there.

20 And West Sacramento,
21 California, that's on there.

22 Those are all the distribution
23 centers in the different states that the
24 allegations from -- in the 2008 and 2017
25 settlement -- if I could have the Elmo --

1 involved, correct?

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Q. In fact, there's migration all the way -- and it's been well-known and shown that in terms of the drugs, for example, the narcotics that were being sold by McKesson in Florida, and the migration all the way up through the Midwest, into Ohio and throughout the country, correct?

MS. HENN: Objection to form.

THE WITNESS: Can you say that again? I want to make sure --

QUESTIONS BY MR. RAFFERTY:

Q. Yeah. You're familiar -- well, let me show you this. Let's just look at this.

This is from Exhibit 44, and I

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18 Q. Right. So what we're talking
19 about when we talk about 12 states being
20 implicated, that's just the 12 states where
21 the distribution centers are.

22 But when we're talking about
23 systemic and nationwide failures at these
24 distribution centers, we're talking about
25 drugs migrating and the distribution centers

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13 QUESTIONS BY MR. RAFFERTY:

14 Q. Okay. Now, one last thing.

15 You were...

16 MR. RAFFERTY: Let's take a
17 five-minute break. I think we
18 might -- my part might be wrapping up.

19 VIDEOGRAPHER: The time is
20 3:08 p.m., and we're going off the
21 record.

22 (Off the record at 3:08 p.m.)

23 VIDEOGRAPHER: The time is
24 3:17 p.m., and we're back on the
25 record.

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. PAPANTONIO:

3 Q. You've been questioned about
4 the migration of opioids, narcotics, that
5 your company sold, correct?

6 That was right where
7 Mr. Rafferty left off, was asking you about
8 how narcotics that your company distributed
9 migrated around the United States, right?

10 MS. HENN: Objection to form.

11 QUESTIONS BY MR. PAPANTONIO:

12 Q. Remember the question before
13 the break?

14 A. Yeah, we were talking about the
15 concept of migration.

16 Q. And he talked about the fact
17 that not only was there migration, but you --
18 everywhere this list that he made -- how
19 about -- let me put that back on here.

20 This list that Mr. Rafferty
21 made, these are actually what we call
22 distribution centers, correct? These are
23 distribution centers, right?

24 A. Those are the locations of our
25 distribution centers, correct.

1 Q. Right.

2

[REDACTED]

14 Q. And as a matter of fact, in
15 addition to these, how many distribution
16 sites did you have total?

17 MS. HENN: Objection to form.

18 THE WITNESS: It's
19 approximately 30.

20 QUESTIONS BY MR. PAPANTONIO:

21 Q. Okay. So in addition to
22 this -- I'm going to mark this exhibit up a
23 little more. And you had 30 total
24 distribution centers?

25 A. Approximately.

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9 migration. And my partner there showed you
10 what he called the oxy express.

11

12 right?

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QUESTIONS BY MR. PAPANTONIO:

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1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Yes, sir. Yeah.

3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

1 Q. Okay. And you also -- so my
2 question is: Did you ever go find out what
3 the net result of that was when you would
4 have an excess of your narcotics shipped to a
5 pharmaceutical company -- or excuse me,
6 scratch that.

[illegible]

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QUESTIONS BY MR. PAPANTONIO:

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Q. You understand this -- this

8

case isn't about statistics; it's about human

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life, right? You understand that, right?

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MS. HENN: Objection to form.

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THE WITNESS: I understand

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that.

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QUESTIONS BY MR. PAPANTONIO:

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QUESTIONS BY MR. PAPANTONIO:

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Q. Uh-huh. And as a matter of
fact, before you came in here today --

11

MR. PAPANTONIO: Would you
share with him 324, please.

13

(McKesson-Hartle Exhibit 89
marked for identification.)

15

MS. MOORE: That would be
McKesson-Hartle 89.

17

QUESTIONS BY MR. PAPANTONIO:

18

Q. Before you came in here today,
sir, you knew that the CDC had been -- had
been studying and following exactly what the
loss of human life was because of the sale of
narcotics in the United States. You knew
that they had been studying that, right?

24

A. I do.

25

Q. And so when did you take this

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Q. Okay. And it's -- so here's
what I want to find out: You knew that in
1999 -- see that map up there?

You knew in 1999 that is what
the death map looked like in 1999, correct?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

Q. The CDC death map, you know
that's what it looked like in 1999, true?

A. True, I've seen this before.

Q. Okay. Let me ask you while
we're talking about that: Any of these other
companies that said they were here today,
Cardinal or CVS, were any of them at this
place where you talked about the death map?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

Q. In your lecture, as you
describe it?

MS. HENN: Same objection.

1

2

Q. Who did you share it with?

3

MS. HENN: Objection to form.

4

Go ahead.

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Q. Shared it. Okay.

20

So if we look --

21

A. I understand the map.

22

Q. Okay. Good. Good.

23

Do you know who Mr. Oriente is?

24

A. I do.

25

Q. He worked for you, didn't he?

1 MS. HENN: Object to the form.

2 THE WITNESS: He does.

3 QUESTIONS BY MR. PAPANTONIO:

4 Q. Did anybody show you the
5 deposition of Mr. Oriente before you came in
6 here today?

7 Did anybody show you that
8 deposition where we questioned him for seven
9 hours?

10 A. I have not seen it.

11

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. Uh-huh. And the reason it's
25 been published, sir, is to be able to have

1 people like you understand what the expansion
2 of your narcotics was doing to human life in
3 this country. That's one reason the CDC did
4 this; you understand that, right?

5 MS. HENN: Objection to form.

6 QUESTIONS BY MR. PAPANTONIO:

7 Q. Did you know that?

8 A. Can you rephrase that, please?

9 Q. Yeah.

10 One reason the CDC came up with
11 this map is so the entire country could
12 understand what the expansion of narcotics
13 was doing in relation to the loss of human
14 life in this country.

15 Did you know that?

16 A. Correct, yes.

17 Q. Okay. And you know part of
18 this case is involved -- the jury is going to
19 hear economists in this case talk about what
20 the economic losses were because of that
21 human life.

22 Did you understand that that's
23 part of the issue that we're involved with
24 here today?

25 MS. HENN: Objection to form.

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Did you know that?

3 A. Yes.

4 Q. Okay. Did you go out and find
5 out what it is that -- when you have people
6 dying or people addicted to drugs in a county
7 or a city, what the economic impact is on
8 that city or county?

9 Did you do any kind of study at
10 all to find out what that economic impact is?

11 MS. HENN: Objection to form.

12 And I'll advise the witness if
13 counsel is asking about attorney work
14 product in relation to the case, he
15 should not respond.

16 MR. PAPANTONIO: I'm not asking
17 him about anything work product.

18 QUESTIONS BY MR. PAPANTONIO:

19 [REDACTED]
[REDACTED]
[REDACTED]
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QUESTIONS BY MR. PAPANTONIO:

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Q. All right. So if we look at this map, we start in 1999. You see, that's the first one. And you see down at the very bottom, you see where the brown is at the very bottom? It says that's 30 deaths per every 100,000.

A. I see that.

Q. Right?

Now, when you took -- when you looked at this -- I've already asked you whether or not you took it on yourself to find out by going to these various states and counties and cities and finding out what the

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Q. Well, let's see how much

attention you paid here. Okay?

Because the loss of human life

starts in 1999. You know where Virginia --

West Virginia is on that map?

1 A. I do.

2 Q. What would you -- how would you
3 describe where it is on that map? Would it
4 be the brown place right there?

5 A. In here.

6 Q. You're going to have to -- are
7 you pointing to the brown area there?

8 Can I put a circle around the
9 brown area?

10 A. Yeah. Right there.

11 Q. That's West Virginia, right?

12 A. Correct.

13 Q. Now, that's in 1999. They're
14 telling you by this map that 30 people for
15 every 100,000 people have died, correct?

16 MS. HENN: Objection to form.

17 QUESTIONS BY MR. PAPANTONIO:

18 Q. That's the information that map
19 gives you in 1999.

20 MS. HENN: Objection to form.

21 THE WITNESS: Correct. That's
22 the mortality rate.

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. And then the -- well, the
25 mortality rate is people dying, right?

1 A. Correct.

2 Q. Okay. And then we look at the
3 brown place on the map over here to the west,
4 and that's -- where is that, New Mexico?

5 A. Right there.

6 Q. Is that New Mexico?

7 A. I can't tell the outline of the
8 state, but I...

9 Q. Well, there's one big brown
10 area right there.

11 Do you understand that that --

12 A. Yeah, that area.

13 Q. Okay. You understand that's a
14 county, right?

15 A. Right. Correct.

16 Q. And what they've -- what the
17 map actually does is it breaks it down into
18 counties. It doesn't just tell you a state.
19 It says, in this county in 1999, we had 30
20 people for every 100,000 people who were
21 dying.

22 That's what this map told you
23 in 1999, right?

24 MS. HENN: Objection to form.

25

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Correct?

3 A. Correct.

4 Q. And nevertheless, you're

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 QUESTIONS BY MR. PAPANTONIO:

12 Q. And your company is the number
13 one pharmaceutical company selling narcotics
14 in this country, correct? Number one. Isn't
15 that what --

16 MS. HENN: Objection to form.

17 QUESTIONS BY MR. PAPANTONIO:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Q. As a matter of fact, you've

6

gone to conventions where all of you-all have

7

been together talking about these types of

8

issues, about the problem of drugs being

9

spread out across the country.

10

MS. HENN: Objection to form.

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QUESTIONS BY MR. PAPANTONIO:

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	90%
No, the U.S. should not take action to reduce greenhouse gas emissions	10%

Age Group	Percentage
18-24	25%
25-34	20%
35-44	15%
45-54	5%
55-64	10%
65-74	12%
75-84	8%
85+	3%

[illegible]

Age Group	Percentage
18-24	10%
25-34	15%
35-44	25%
45-54	30%
55-64	15%
65-74	10%
75-84	5%
85+	5%

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Q. Have you ever had that
conversation in a room or out of a room, sir?

MS. HENN: Objection to form.

MR. PAPANTONIO: Give me the
document.

MR. SUDDATH: Objection.

QUESTIONS BY MR. PAPANTONIO:

Q. Have you? Yes or no?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

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Q. All right. Sir, let's go to

1 2000. Let's go to -- the next page is 2000.

2 Could we do something -- what
3 I'd like to do here is keep 1999 up on the
4 left, and let's go through a comparison on
5 the right.

6 So in 2000 -- let's look at
7 that. Actually, what I'd really --

8 MR. PAPANTONIO: Can you
9 understand what I'm saying here? Can
10 you just put one and one, or is that
11 not possible? One on each -- one on
12 each screen.

13 VIDEOGRAPHER: No, they're
14 connected.

15 MR. PAPANTONIO: Okay. That's
16 fine. We can do this.

17 QUESTIONS BY MR. PAPANTONIO:

18 Q. All right. So you see -- does
19 it look like in 2000 that there's an
20 expansion of the death data taking place, or
21 do you see any difference in that between
22 1999 and 2000?

23 Do you see any appreciable
24 differences in death occurring in this
25 country?

1 MS. HENN: Objection to form.

2 QUESTIONS BY MR. PAPANTONIO:

3 Q. 2000.

4 A. Yeah, you see different
5 states -- or different counties are shaded
6 different colors.

7 Q. It's expanding, isn't it?
8 Death in the United States is expanding, and
9 this map shows that, doesn't it?

10 A. Correct.

11 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 QUESTIONS BY MR. PAPANTONIO:

20 Q. All right. Let's go to the
21 next one.

22 Can I tell you something? I
23 want you to understand. I'm not blaming you
24 for all this; you understand that?

25 A. I understand.

1 Q. Okay. I'm just asking
2 questions.

3 A. I understand.

4 Q. So please don't think I'm
5 blaming you. You didn't even get there until
6 2008.

7 A. 2014.

8 Q. 2014.

9 So obviously we're not at 2014
10 now.

11 But what is important to me,
12 Mr. Hartle, is this information was available
13 to McKesson. That's all I'm trying to get at
14 right here right now. Okay?

15 A. Understood.

16 Q. Okay. So we go to 2001. Tell
17 me whether you see any appreciable difference
18 in the amount of death taking place in the
19 United States between 1999 -- you know what
20 you can do? If it helps you, you can keep
21 1999 right next to you and just tell me
22 whether or not you see an expansion of death
23 in human -- whether you see an expansion of
24 human death because of narcotics in this
25 country.

1 Do you see an expansion here?

2 MS. HENN: Objection to form.

3 QUESTIONS BY MR. PAPANTONIO:

4 Q. In 2001, would you have -- is
5 there anything appreciable that you see that
6 maybe we ought to know about, 2001?

7 A. Again, different -- different
8 shadings and different expansions.

9 Q. And tell me what's significant,
10 sir, about the shading and the expansions.
11 Let's focus on that.

12 Do you see the one right in the
13 middle that's kind of a tan, it's -- let's
14 call it a white. It's says there's 15.9
15 human beings dying from drug overdoses for
16 every 100,000 people in those areas.

17 Do you see that tan area?

18 A. The scale and the shading?

19 Q. Yes, sir. Yes, sir.

20 A. I do see that.

21 Q. Okay. I want you to watch that
22 as we go, okay? There's two things I'd like
23 you to watch. I'd like you to watch that,
24 which is about middle of the graph, right?
25 The middle of the graft is -- graph is 14 --

1 14 to 15.9 human deaths per hundred thousand.

2 And I'd like you to keep your
3 eye on that 30 at the bottom where that's 30
4 human beings dying for every 100,000.

5 So let's go to the next one.

6 The next one is 2002.

7 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14 Q. Yes, sir.

15 And would you agree that in
16 each one of those -- each one of those areas
17 where we have some color beyond the blue that
18 you had -- that your company was distributing
19 in those areas?

20 A. Sorry, can you rephrase that?

21 Q. Yeah, I'm trying to take the
22 blue out right now. I'm going to talk about
23 the blue in just a minute.

24 A. Okay.

25 [REDACTED]

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. Yes, sir, that's what I'm
11 trying to figure out.

12 All right. Now, the next
13 thing -- that's 2002, and then we have 2003.

14 And in 2003, do you still
15 continue to see an expansion of human death
16 from narcotic overdoses taking place in the
17 United States? 2003.

18 A. Yes.

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

24 Q. When did you start distributing
25 narcotics? What year?

1 MS. HENN: Objection to form.

2 THE WITNESS: I'm not 100

3 percent sure.

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. It was around 1999, wasn't it?

6 MS. HENN: Objection to form.

7 QUESTIONS BY MR. PAPANTONIO:

8 Q. Do you know?

9 A. I don't know.

10 Q. Okay.

11 A. I actually don't know.

12 Q. I'll show you more details on
13 that, but I want to go through this map.

14 Let's go through 2004. You see
15 an expansion of human death on that map in
16 2004?

17 Are you able to see an
18 appreciable difference between 1999 where
19 people were dying and 2004 where people were
20 dying from narcotic overdoses in the United
21 States?

22 A. Yes.

23 [REDACTED]
[REDACTED]
[REDACTED]

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Q. And then in 2005, you start seeing -- do you -- can you -- it may just be me, but do you start seeing there's even an expansion between New Mexico and California, that it seems to be more and more growing in those areas on the West Coast?

Do you see that expansion, sir?

If you don't, it might just be my imagination, but it looks like there's an expansion of human death between New Mexico and California.

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

Q. Correct?

A. I can see the shading differences, yeah.

Q. Yeah.

And also, if you take -- take a close look around. Look around where West Virginia is. You see we started off with just kind of that brown area and then we had

1 blue? You see the tan that's expanding?

2 MR. PAPANTONIO: Could you put
3 a circle around that, Corey?

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. You see how that's expanding?
6 Even right around West Virginia there's an
7 expansion area there?

8 A. I do.

9 Q. Okay. In -- after we're done
10 with this, I'm going to be talking about some
11 areas in West Virginia that were affected.

12 We've talked about Landover and
13 Lakeland and Aurora, Salt Lake City. There's
14 some areas we haven't talked about, and I
15 want to talk to you about West Virginia.

16 And do you know approximately
17 where the pharmacy -- do you know where
18 Kermit, West Virginia, is there?

19 A. I don't know its exact location
20 in West Virginia, but --

21 Q. You're familiar with what
22 happened in Kermit?

23 A. I am.

24 Q. Okay. We'll talk about that in
25 just a minute, but let's go through this map.

1 Okay. The next one is 2006.

2 Do you have any kind of
3 appreciation in what the expansion of human
4 death was in 2006 when you compare it to
5 2000 -- to 1999?

6 MS. HENN: Objection to form.

7 THE WITNESS: Again, it
8 continues to expand.

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. Yeah. If I see some and you
11 don't see it, feel free to tell me. I say,
12 you know, I may be seeing something that you
13 don't see, and that's fair enough. We see
14 things different.

15 But do you see where even that
16 area around West Virginia is continuing to
17 expand as far as human death?

18 MS. HENN: Objection to form.

19 QUESTIONS BY MR. PAPANTONIO:

20 Q. I'm in 2006.

21 A. Oh, in 2006?

22 Q. Yes, sir.

23 A. Yeah.

24 Q. When you make that comparison,
25 can you tell an appreciable difference in the

1 expansion even beyond 2005?

2 A. I can see a difference, a few
3 more counties shaded different colors.

4 Q. Yes, sir.

5 Okay. And as we go forward --
6 let's continue. 2007, you see an expansion
7 there, don't you? Look at that West Virginia
8 area.

9 MR. PAPANTONIO: Circle that
10 West Virginia area for me, would you,
11 Corey? And then also circle that
12 brown area out west.

13 Do you know where that is? See
14 that big brown area out west next
15 to -- see that? There you go.

16 QUESTIONS BY MR. PAPANTONIO:

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22 Q. Okay. And you know what? Just
23 for matter of time, let's go ahead -- let me
24 just go ahead and show you what -- let me
25 show you what 2016 looks like.

1 MR. PAPANTONIO: How about
2 putting up 2006 for me, would you?

3 And what I'd like to you do if
4 you could -- is there any way I could
5 get a comparison between 2016 and a
6 comparison between 2009 up on the
7 screen? Okay.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. Do you see a difference between
10 19 -- excuse me, 1999 and 2016? You see
11 how -- 2016 is the expansion of human death
12 in the United States.

13 A. Clearly I see the difference.

14 MS. HENN: Objection to form.

15 QUESTIONS BY MR. PAPANTONIO:

16 Q. You see a clear difference
17 there.

18 And not only that, but do you
19 also appreciate the fact that of the brown
20 area that has expanded, it is -- that's area
21 that is 30 -- that brown area is 30 human
22 lives per every 100,000 people and -- you see
23 that?

24 A. I do.

25 Q. And, sir, I'm not suggesting

1 this is -- what year did you get with the
2 company?

3 A. 2014.

4 Q. And it appears to me that what
5 you did when you came to the company is you
6 did -- you did due diligence on what had
7 occurred before you got there. As I listened
8 to your testimony this morning, it sounded
9 like you actually did due diligence to figure
10 out how you could do your job, correct?

11 MS. HENN: Objection to form.

12 THE WITNESS: Yes, and I had a
13 previous job in which I was doing -- I
14 was focused on diversion and these
15 trends as well.

16 QUESTIONS BY MR. PAPANTONIO:

17 Q. But you feel like there were
18 certain things that my partner went through
19 with you, some of those documents that nobody
20 had ever shown to you; is that a fair
21 statement?

22 MS. HENN: Objection to form.

23 THE WITNESS: There were a few
24 that I hadn't seen.

25

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Yeah.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 QUESTIONS BY MR. PAPANTONIO:

19 Q. Yes, sir.

20 All right. The -- we talked
21 about -- earlier we talked about a hierarchy,
22 and I think it was on -- I think it was on
23 document 7 -- well, it was number 41. If you
24 look at 41, my partner, Troy, went over
25 details about what the hierarchy is with the

1 company. And it -- 795 is my document, but I
2 think it was marked as 41.

3 Well, let me just ask you --
4 you don't have to go there. It's okay. I
5 can just ask you.

6 The structure is Nate Hartle
7 would be senior director. Underneath you
8 would be Michael Oriente and a guy named
9 Micheal Bishop and Jay Es -- what is it,
10 Espaillat?

11 A. Espaillat.

12 Q. Espaillat.

13 And then you've got another
14 one, Adam Palmer.

15 A. Palmer, right.

16 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Okay. And one thing that
3 you --

4 MR. PAPANTONIO: Would you put
5 up -- would you put up photograph --
6 this is -- this is a photograph of
7 Mr. Oriente, and I'm putting it up
8 there because the jury has seen his
9 deposition, and I just want to make
10 sure they know we're talking about the
11 same person.

12 Put up 1557, please.

13 MS. HENN: And, Counsel, could
14 you please mark it for the record, a
15 demonstrative?

16 MR. PAPANTONIO: Yeah, we'll
17 mark it as a demonstrative. What is
18 it?

19 Okay. Well, excuse me, 1627.
20 1627. Could you put that up on the
21 screen?

22 MS. HENN: Will you please mark
23 it with a sticker?

24 MR. PAPANTONIO: We will mark
25 it. We will mark it.

1 MS. MOORE: McKesson-Hartle

2 149.

3 (McKesson-Hartle Exhibit 149
4 marked for identification.)

5 QUESTIONS BY MR. PAPANTONIO:

6 Q. That fellow worked for you,
7 didn't he?

8 A. He works for me, correct.

9 Q. And he worked at a place -- you
10 remember all of the discussion about Landover
11 that you had with my partner today?

12 A. Correct.

13 Q. That's where he was -- he was
14 director of Landover --

15 MS. HENN: Objection to form.

16 QUESTIONS BY MR. PAPANTONIO:

17 Q. -- right? That was a
18 distribution center.

19 A. Right.

20 Q. He was a director of Landover,
21 correct?

22 A. He was in that facility, yes.

23 Q. Yeah.

24 And he was the head guy in
25 charge in Landover, true, or were you also

1 involved with Landover?

2 MS. HENN: Objection to form.

3 THE WITNESS: I was not.

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. Yeah, Landover had already been
6 closed by the time you got there to the
7 company, right?

8 A. Yes.

A horizontal bar chart with 12 rows. Each row consists of a small gray square on the left and a longer gray bar to its right. The bars vary in length and vertical position, creating a fragmented, abstract pattern.

19 QUESTIONS BY MR. PAPANTONIO:

20 Q. It was closed 2012, right?

21 A. If that's the specific time
22 frame before I got there.

23 Q. Yeah. Yes, sir, it's 2012.

24 And this guy, this Oriente who
25 we're looking at right here, he was the one

1 in charge of making the decisions about the
2 sale of narcotics from your company to
3 pharmacies in the Landover -- I mean, out of
4 the Landover facility, right?

5 MS. HENN: Objection to form.

6 THE WITNESS: I believe that's
7 true.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. And after it was closed, where
10 did you -- where did he go, do you know?

11 MS. HENN: Objection to form.

12 THE WITNESS: He became a
13 director of regulatory affairs.

14 QUESTIONS BY MR. PAPANTONIO:

15 Q. Okay. And could you -- I'm
16 sorry, go ahead.

17 A. He was a director of regulatory
18 affairs. He ultimately came to the RNA team.

19 Q. He's still there. He's still
20 there, isn't he?

21 A. He is.

22 [REDACTED]
[REDACTED]
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21 QUESTIONS BY MR. PAPANTONIO:

22 Q. Good integrity?

23 Integrity matters in your

24 company, doesn't it?

25 MS. HENN: Objection to form.

1 THE WITNESS: It does.

2 QUESTIONS BY MR. PAPANTONIO:

3 Q. Don't you even have -- don't
4 you even have little jingle about integrity?
5 What is -- some kind of mission statement.
6 Do you know what it is?

7 MS. HENN: Objection to form.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. What is that mission statement
10 about integrity?

11 A. The ICARE principles.

12 Q. ICARE, that's right.

13 And ICARE, the first thing in
14 it is integrity, right?

15 A. Right.

16 Q. And integrity really matters
17 when you're dealing with narcotics, the sale
18 of narcotics, around the country. That's
19 pretty important, isn't it?

20 A. It is.

21 Q. And as a matter of fact, it's
22 such -- it is such part of your mission
23 statement that you actually put it on your
24 documents, the -- what do you call it? I
25 what?

1 sure.

2 Q. Well, let's go ahead and talk
3 about it right now, okay?

4 You actually --

5 MR. PAPANTONIO: Could you put
6 up -- could you put up 1564?

7 You're going to have mark that
8 for them. It's 1564, and I don't know
9 what exhibit list -- what the number
0 is going to be.

1 (McKesson-Hartle Exhibit 161
2 marked for identification.)

3 QUESTIONS BY MR. PAPANTONIO:

4 Q. Why do you --

5 MS. MOORE: McKesson-Hartle
6 161.

7 QUESTIONS BY MR. PAPANTONIO:

8 Q. Let me say something clear
9 here. I'm not questioning your integrity --

0 A. Right.

1 Q. -- okay, just so you know that.

2

Government	Percentage
Current government	65%
Previous government	35%

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Age Group	Percentage
18-24	10%
25-34	20%
35-44	25%
45-54	20%
55-64	15%
65-74	10%
75-84	5%
85+	5%

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Category	Percentage
1	100%
2	85%
3	95%
4	35%
5	25%
6	55%
7	15%
8	95%
9	30%
10	95%
11	90%
12	15%

15 Q. Okay.

16 A. But I do want to clarify one
17 thing, and I'll explain more later.

18 Q. That's okay. I don't -- I want
19 you to explain it.

Age Group	Percentage
20	10%
21-25	90%
26-35	10%
36-45	10%
46-55	10%
56-65	10%
66-75	10%
76-85	10%
86+	10%

24 Q. Let me talk some more. Okay?

25 A. Okay.

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QUESTIONS BY MR. PAPANTONIO:

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Q. Right.

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And that's what my partner,
Troy Rafferty, has been asking you about all
morning?

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A. Right.

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1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Yes, sir.

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Group	Percentage (%)
All respondents	85
Those who believe the current government is responsible	100
Those who do not believe the current government is responsible	0

Figure 1. The effect of the *in vitro* and *in vivo* conditions on the release of the *in vitro* and *in vivo* conditions.

Government	Percentage
Current government	85%
Previous government	15%

Response	Percentage
Yes	75%
No	25%

Year	Number of cases	Rate per 100,000
2010	1,234	1.2
2011	1,345	1.3
2012	1,456	1.4
2013	1,567	1.5
2014	1,678	1.6
2015	1,789	1.7
2016	1,890	1.8
2017	1,901	1.9
2018	1,912	1.9
2019	1,923	1.9
2020	1,934	1.9

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[REDACTED]

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[REDACTED]

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[REDACTED]

MS. HENN: Let's just have that
read back or if you could repeat it,
please, because we're having --

MR. PAPANTONIO: Yeah, it
says -- I feel like I'm in a clown car
here. Okay?

MS. HENN: Thank you, sir.

QUESTIONS BY MR. PAPANTONIO:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A horizontal bar chart titled "Percentage of respondents who believe the U.S. should take action to address climate change." The chart displays data for two main categories: "All respondents" and "U.S. adults", each further divided into "Men" and "Women". The x-axis represents the percentage, ranging from 0 to 100. The y-axis lists the demographic groups. The bars are color-coded: blue for "All respondents", orange for "U.S. adults", green for "Men", and red for "Women".

Category	Gender	Percentage (%)
All respondents	Men	78
	Women	82
U.S. adults	Men	75
	Women	80

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MR. PAPANTONIO: Show them,

please, 1579.

QUESTIONS BY MR. PAPANTONIO:

Q. Now, I want to -- you

understand before you got -- before you got

to McKesson, there was a lot of water under

the bridge about the sale of narcotics all

over the country. There had been a lot of

things that occurred with the company in the

sale of narcotics --

A. Right.

Q. -- true?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

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Q. Okay. Let's go on to this --

MS. MOORE: McKesson-Hartle

162.

(McKesson-Hartle Exhibit 162

marked for identification.)

QUESTIONS BY MR. PAPANTONIO:

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Q. Okay. But he was working with
Oriente, correct, Michael Oriente?

A. He was.

Q. So he would have been working
in Landover? Landover? Was he working
Landover?

A. No.

MS. HENN: Objection to form.

THE WITNESS: No. No.

1 QUESTIONS BY MR. PAPANTONIO:

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Q. All right. Well, let's -- you

1 were asked earlier about -- I don't know what
2 this is. It's this map. It's 88 -- mine is
3 872. It's the McKesson --

4 MR. PAPANTONIO: What was that
5 actually marked?

6 MS. MOORE: McKesson-Hartle 100
7 is his copy.

8 MR. PAPANTONIO: Okay. This is
9 McKesson-Hartle 100.

10 (McKesson-Hartle Exhibit 100
11 marked for identification.)

12 QUESTIONS BY MR. PAPANTONIO:

13 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25 Q. If I didn't characterize that

1 right --

2 MS. HENN: Objection to form.

3 QUESTIONS BY MR. PAPANTONIO:

4 Q. Right?

5 A. Yeah, as part of my entire
6 career, I want to stay in tune with --

7 Q. And you saw where my partner
8 actually showed you that you were doing what
9 the DEA told you to do, which was to stay
10 abreast of what the newspaper reports are in
11 any given area about problems that there may
12 be with opioids.

13 MS. HENN: Objection to form.

14 QUESTIONS BY MR. PAPANTONIO:

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Q. And as a matter of fact, this document actually reiterated what you, I think -- from what I'm understanding what you're saying, this document reiterated what you were doing on your own, and that is seeking out information in various news sources to find out what's going on in the country.

This document -- if you'll go

1 to .3. See that .3 there? You see it
2 actually goes -- it actually does what you're
3 talking about. This document actually is a
4 presentation that's being made to somebody
5 through McKesson.

6 Do you know who this
7 presentation would be made to?

8 MS. HENN: Objection to form.

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. Would it be salespeople?

11 MS. HENN: Objection to form.

12 THE WITNESS: I think it was
13 used in a variety of ways. I know it
14 was given to, you know, our chain
15 partners. I've given part of this
16 presentation, versions of it, to
17 external partners as well.

18 QUESTIONS BY MR. PAPANTONIO:

19 [REDACTED]
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Q. Okay. The -- here's what --

here's what I want to be clear about, because

I'm not -- it's just not clear to me as I

listened to everything. Maybe you can clear

this up.

If you've got -- let's say

you've got -- let's get Kermit.

MR. PAPANTONIO: Can I get this

thing on here just -- we're going to

go back to that same document.

QUESTIONS BY MR. PAPANTONIO:

Q. Here's Kermit.

QUESTIONS BY MR. PAPANTONIO:

Q. Yes, sir.

And one thing they do is they

drive around in various areas, true?

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Q. As a matter of fact, you have a
pill mill -- let's draw a pill mill here.

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Q. Yes, sir.

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And the other thing at a pill
mill that this salesperson could ascertain
pretty quickly is whether there's -- whether
there's being cash exchanged in the mill; in
other words, are these people going and
buying these pills for cash?

They can ascertain that, right?

All they got to do is walk in.

1 MS. HENN: Objection to form.

2 QUESTIONS BY MR. PAPANTONIO:

3 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. Yes, sir.

11 And so that really is one of
12 the responsibilities for -- and I'm coming
13 back to your theory, because I agree with you
14 on your theory and I'm going to talk to you
15 more about it.

16 [REDACTED]
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Q. Yes, sir.

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And in this trial, the jury is going to hear about something called notice. You ever heard that term? And that is, notice is when your company is told, "something's wrong here, and you ought to take action on it."

You ever heard that term? Maybe it's not a term you've heard, but I'm just -- I'm curious, have you ever heard the term?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

Q. You're on notice that something's wrong in Kermit.

1 MS. HENN: Objection to form.

2 THE WITNESS: I've heard the

3 term "notice."

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. Okay. You understand what it
6 is.

7 A. I do.

8 Q. Now, just because I've looked
9 at your file and I didn't see any time when
10 you were doing any kind of field work on the
11 ground where you were -- it was your
12 responsibility to observe pill mills, to
13 observe the news that was taking place in
14 these various counties all over the country.
15 I never saw where that was your
16 responsibility.

17 Is that a fair statement, or
18 did I miss is that?

19 I just reviewed your record.

20 MS. HENN: Objection.

21 QUESTIONS BY MR. PAPANTONIO:

22 Q. You were never a salesperson?

23 A. No, that's a fair statement.

24 Q. Okay. You went right up to
25 management in regulatory, correct?

1 A. Correct.

2 Q. But you're familiar with what
3 these salespeople did, true?

4 MS. HENN: Objection to form.

5 THE WITNESS: I'm familiar with
6 it.

7 QUESTIONS BY MR. PAPANTONIO:

8 Q. Okay. So let's mark that --

9 MS. MOORE: McKesson-Hartle
10 163.

11 (McKesson-Hartle Exhibit 163
12 marked for identification.)

13 QUESTIONS BY MR. PAPANTONIO:

14 Q. What I'm going to do here,
15 if -- you might want to keep this document in
16 front of you that I have here. I'm just
17 going to go through these -- some of these
18 articles that are here, sir.

19 Okay?

20 A. Okay.

21 Q. I want to talk to you about
22 them. And what I want to ask you about since
23 they're all -- these articles that I'm going
24 to go through are actually in your own -- not
25 yours but your company's flyer that I'm

1 showing you here right now, okay, the
2 PowerPoint.

3 So the first thing in there is
4 a discussion about CDC. I think it's on the
5 previous page. But you would agree that the
6 CDC was an important source of information
7 for your company. And I want to be careful I
8 say something. I want to be careful of
9 something.

10 Anytime I say "you," I'm not
11 talking about you, Mr. Hartle. I'm talking
12 about your company. So don't be offended by
13 that. Understand I'm talking about your
14 company.

15 Okay?

16 A. Okay.

17 Q. So anytime -- so you understand
18 that one source of information that your
19 company used was the CDC, right?

20 A. Correct.

21 Q. Yes?

22 Okay. And as a matter of fact,
23 that death map that we just went over, that
24 was created by the CDC, correct, where we saw
25 the progression of death from 1999 to -- yes,

1 sir, that was created by the CDC.

2 A. Correct, I believe it was.

3 Q. Okay. And this one I want to
4 show you is 1062.

5 MS. MOORE: McKesson-Hartle
6 102.

7 (McKesson-Hartle Exhibit 102
8 marked for identification.)

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. You know why I want to go over
11 some facts here right now? What I want to do
12 here, Mr. Hartle, is I want to review some of
13 this literature, and I just want to see what
14 it is you observed firsthand after you got
15 there. Nothing you could have --

16 What were you doing before you
17 went for McKesson, work for McKesson?

18 A. I worked for Target Corporation
19 where I led -- for about 19 years led
20 investigations on a lot of different
21 subjects, different areas, including in
22 health care --

23 Q. Right.

24 A. -- in monitoring diversion,
25 monitoring dispensing.

1 Q. You had -- exactly. You had a
2 long history of doing that. That's why they
3 hired you and they made you a supervisor --

4 A. Correct.

5 Q. -- correct?

6 You did have a lot of
7 experience there.

8 A. Correct.

9 Q. But this was kind of moving you
10 into a new area when you went to work where
11 it dealt with the sale of narcotics. That's
12 the first time you'd actually dealt with the
13 sale of narcotics, correct?

14 A. Correct.

15 MS. HENN: Objection to form.

16 QUESTIONS BY MR. PAPANTONIO:

17 Q. Okay. So --

18 A. As a distributor.

19 Q. Yes, sir, I gotcha.

20 A. Yeah.

21 Q. I gotcha.

22 So as we look at this, I want
23 to ask you about what you would agree with,
24 what you knew, some of this information. I
25 want to find out how much information you had

1 as you were proceeding in your job.

2 This is the CDC. It says, "CDC
3 grand rounds prescription drug overdoses, a
4 US epidemic."

5 Now, what I see here is that
6 this is January 2012. And I get that you
7 still weren't there in 2012, correct?

8 A. Correct.

9 Q. All right. And it says -- if
10 you look at this first paragraph, this says,
11 in 20 -- in 20 -- "in 2007" -- you see where
12 I am here? "In 2007" --

13 A. Yes.

14 Q. -- "approximately 27,000
15 unintentional drug overdose deaths occurred
16 in the United States, one death every
17 19 minutes."

18 Now, you know, sir, that
19 actually progressed, that number of death
20 actually progressed at -- went higher after
21 2007. You know that, or do you?

22 A. I do.

23 Q. Okay. It says, "Prescription
24 drug abuse is the fastest growing drug
25 problem in the United States."

1 You, I think, have already said
2 that you agreed with that, and I'm not --
3 well, maybe I misunder -- maybe I did.

4 Do you agree with that? I want
5 to be fair and make sure I got this right.

6 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11 Q. Okay. And again, this is not
12 your responsibility at this place. At this
13 time you're still at Target, correct?

14 A. Correct.

15 Q. You don't have anything to do
16 with all this.

17 It says, "The increase of
18 unintentional drug overdose death rates in
19 years" -- and it gives us -- it gives us a
20 figure we can go to, but it -- "has been
21 driven by increased use of a class of
22 prescription drugs called opioid analgesics.
23 Since 2003, more overdose deaths have
24 involved opioid analgesics than heroin and
25 cocaine combined."

1 Right?

2 And you're familiar with that.

3 You understood as we just looked at the map,
4 sir, the progression is pretty apparent. I
5 mean, this is the CDC talking about starting
6 in 2007, but the progression is pretty
7 apparent, isn't it? It was apparent to you
8 when you got there?

9 MS. HENN: Objection to form.

10 QUESTIONS BY MR. PAPANTONIO:

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14 Q. All right. Then if you look at
15 the bottom it says, "Drug distribution
16 through the pharmaceutical supply chain was
17 the equivalent of 96 milligrams of morphine
18 per person in 1997 and approximately
19 700 milligrams per person in 2007, an
20 increase of 600 percent. That 700 milligrams
21 of morphine per person is enough for everyone
22 in the United States to take a typical
23 5-milligram dose of Vicodin, hydrocodone,
24 every four hours for three weeks."

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Q.

I didn't see that in your

1 record. If it's there, please tell me if it
2 is.

3 A. It's a true statement.

[illegible]

22 Q. Okay. So the next -- I'm going
23 to continue with some of these articles. I
24 just want to -- I'm not going to be able to
25 go through the whole thing, but if there's

1 something in an article that you say, "Look,
2 I want to talk about this," feel free to do
3 it.

4 This next one -- this next one
5 is document 1620.

6 MS. MOORE: That would be
7 McKesson-Hartle 148.

8 (McKesson-Hartle Exhibit 148
9 marked for identification.)

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. You want to take a look at
12 that, Mr. Hartle, and see what you think?

13 This is -- also, everything
14 that I'm doing right now, up to a certain
15 point, and I'll tell you when that point is,
16 this is simply coming from that document that
17 you have in front of you that is McKesson
18 talking about newspaper articles that were
19 important, right?

20 MS. HENN: Objection to form.

21 I'm sorry, I don't understand what you
22 just said.

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. Okay. Well, let me
25 restatement -- let me restate it.

1 I'm going to be talking about
2 that -- that PowerPoint, that McKesson
3 PowerPoint, and in there it is -- there's
4 footnotes, there's places where they talk
5 about news articles. Okay?

6 I'm going to be talking about
7 those, and so as I go forward, that's what
8 I'm trying to tell you.

9 A. Okay.

10 Q. This one is called, "Let's Come
11 Together to Solve the Opioid Crisis."

12 MS. HENN: Counsel, I'm not
13 sure we have the right document.

14 THE WITNESS: Yeah. This is a
15 Wikipedia page.

16 MR. PAPANTONIO: Oh, wait,
17 wait. I'm sorry. 1561. Give him --
18 hold that because I'm going to get to
19 that in just a minute. 1561.

20 MS. MOORE: McKesson-Hartle
21 145.

22 (McKesson-Hartle Exhibit 145
23 marked for identification.)

24 MR. PAPANTONIO: Could we blow
25 that up? He's not going to be able to

1 see that. I can't even read the
2 thing. If you could read that. I
3 can't even read it on the paper.
4 Let's see if we can blow it up on the
5 screen.

6 QUESTIONS BY MR. PAPANTONIO:

7 Q. Did you know that McKesson did
8 an -- they did an ad in the Wall Street
9 Journal? Do you remember this ad they did?

10 This is after they had been
11 punished by the DEA in 2008, after they had
12 been punished by the Department of Justice in
13 2015, after they had been fined \$150 million,
14 after they had been fined \$13 million. I
15 could go on. But then they put this ad in
16 the newspaper.

17 Did you see this ad in the
18 newspaper?

19 A. I don't recall.

20 MS. HENN: Objection to form.

21 THE WITNESS: Excuse me.

22 QUESTIONS BY MR. PAPANTONIO:

23 Q. "Let's Come Together to Solve
24 the Opioid Crisis."

25 You see that?

1 A. I see that.

2 Q. You understand if we look at
3 that map that we -- that death map that takes
4 us all through 2016, this is a little bit
5 late for solving the opioid crisis. If they
6 had an ad in the newspaper, Wall Street
7 Journal, like this that says -- let's read
8 it. Let's read what it says, because these
9 are really nice words, and I want to see
10 which...

11 It says, "Our nation is in the
12 midst of an enormous epidemic."

13 Now, we can agree, the epidemic
14 had started long before 2017, right? Right?

15 A. Yeah, based on CDC information.

16 Q. But right after they get hit by
17 the Department of Justice for \$150 million
18 where they have to admit they were -- they
19 were unlawfully failing to report suspicious
20 orders, those types of things, then this ad
21 comes out and it says, "Our nation is in the
22 midst of an enormous epidemic," right?

23 A. There's what it says.

24 MS. HENN: Objection to form.

25

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. It says, "The only way we can
3 solve it is by coming together to create a
4 practical solution."

A horizontal bar chart titled "Percentage of respondents who believe the U.S. should take action to address climate change." The chart displays data for two main categories: "All respondents" and "U.S. adults", each further divided into "Men" and "Women". The x-axis represents the percentage, ranging from 0 to 100. The y-axis lists the demographic groups. The bars are color-coded: blue for "All respondents", orange for "U.S. adults", green for "Men", and red for "Women".

Category	Gender	Percentage
All respondents	Men	78%
	Women	82%
U.S. adults	Men	75%
	Women	80%

1 [REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11 QUESTIONS BY MR. PAPANTONIO:

12 Q. Okay. So it says, "The only
13 way we're going to solve it is by coming
14 together."

15 What is -- what do you mean,
16 "coming together"? What -- what was -- how
17 were you going to come together to solve
18 that -- the problem that we saw on that death
19 map that extended from New York to
20 California? What was -- what is coming
21 together?

22 Would you underline "coming
23 together"?

24 How do you want to come
25 together to solve that problem? What is --

1 did they -- did you have a come-together
2 meeting or something where they said, "We got
3 a solution; now we're going to come
4 together"?

5 MS. HENN: Objection to form.

6 THE WITNESS: No, I didn't
7 write this, so I don't know exactly
8 what the meaning was.

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. I know you didn't write it.

11 A. Yeah.

12 Q. I'm not -- again, this isn't a
13 blame game. I'm just wondering.

14 Do you remember a meeting where
15 we're going to come together and here is our
16 practical solutions to all these people dying
17 in the United States from our narcotics?

18 MS. HENN: Objection to form.

19 QUESTIONS BY MR. PAPANTONIO:

20 Q. I'm sorry.

21 A. Could you ask the question
22 again?

23 Q. Yes, sir.

24

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Q. All right. Do you know -- I'm

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Isn't that what you told the

23

DEA you were going to do in 2008?

24

Underline that.

25

In 2008, the president of your

1 company -- you know Mr. Hammergren? Have you
2 ever met Mr. Hammergren?

3 A. Not in person. I've been to
4 conferences with him. I know who he is. He
5 is our CEO.

6 Q. You know what else I'm
7 interested in? You ever met Mr. Hobart? We
8 saw Mr. Hobart's name a lot. He's an
9 attorney, right? You've met him?

10 A. I have.

11 Q. As a matter of fact, we're here
12 in Covington & Burling here in Washington,
13 DC, and this is where Mr. Hobart's office is,
14 right? True?

15 A. Correct.

16 Q. Did you meet him here in this
17 office?

18 A. I've met Geoff.

19 Q. You've met Geoff. That's his
20 name, Geoff Hobart?

21 A. Correct.

22 Q. Did you know also in this --
23 also in this building that we're sitting
24 right here -- you know who Eric Holder is?

25 A. I do.

1 Q. Did you meet Mr. Eric Holder?

2 You been up to his office?

3 MS. HENN: Objection to form.

4 THE WITNESS: I have not.

5 QUESTIONS BY MR. PAPANTONIO:

6 Q. You haven't met him, right?

7 A. No.

8 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Q. And you know about the article where the DEA was complaining that they had made recommendations about Aurora, where they suggested that Aurora, because of all the bad things that were done in Aurora, that there should be -- there should be fines in excess of a billion dollars. Do you know that?

Do you remember that article that appeared in the Wall Street Journal?

MS. HENN: Objection to form.

QUESTIONS BY MR. PAPANTONIO:

Q. I'll get to it in a minute, but I'm just --

A. I think I recall, yeah.

Q. You do recall that.

And you recall that those same DEA agents -- the same DEA -- well, let me show it to you. You've seen it, I know. This is --

MS. MOORE: McKesson-Hartle 84.

1 It's P1.108.

2 (McKesson-Hartle Exhibit 84
3 marked for identification.)

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. And you've seen this, right?
6 It's attached -- that's actually attached to
7 one of these documents, but I want to make
8 sure you've seen this before.

9 A. I have.

10 Q. All right. Well, let's read it
11 together since -- let's go from this -- this
12 ad that appeared in the Wall Street Journal
13 about how you're going to come together to
14 solve the crisis in the United States.

15 This headline on this article
16 is, "We feel like our system was hijacked.
17 DEA agents say a huge opioid case ended in a
18 whimper."

19 Now you were actually
20 involved -- at this point, sir, you were
21 involved in the process of simply trying to
22 do your job and provide information to the
23 people so they could work through this
24 problem that existed in 2015, right?

25 MS. HENN: Objection to form.

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. You were providing them
3 information. We got to work through the
4 problem of -- we got to work through this
5 problem. We've been accused of certain
6 things like not reporting suspicious orders
7 in Aurora, right?

8 A. Could you rephrase that?

9 MS. HENN: Objection to form.

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. Yes, sir.

12 A. I don't understand who is
13 "they."

14 Q. I want to make sure that I'm
15 clear.

16 You did not participate in
17 anything that occurred dealing with the
18 \$150 million fine; yes or no?

19 MS. HENN: Objection to form.

20 THE WITNESS: That was before I
21 joined McKesson.

22 QUESTIONS BY MR. PAPANTONIO:

23 Q. That's right.

24 But nevertheless, you were
25 familiar with the fact that the question had

1 been raised by the DEA where they had -- they
2 had actually -- they had actually made a
3 recommendation that there be criminal charges
4 brought against McKesson, true?

5 MS. HENN: Objection to form.

6 QUESTIONS BY MR. PAPANTONIO:

7 Q. Take a minute and look at this.
8 I want you to be familiar with it. I don't
9 want you guessing about this because these
10 questions I'm about to ask you are important.

11 Are you familiar with that
12 article, sir?

13 A. I am.

14 Q. I'm kind of short on time so I
15 want to move through this.

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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QUESTIONS BY MR. PAPANTONIO:

Q. And Mr. Hobart is a partner with the Attorney General Eric Holder, a law partner at Covington & Burling with Eric Holder. You know that, correct?

MS. HENN: Objection to form.

THE WITNESS: I do.

QUESTIONS BY MR. PAPANTONIO:

Q. And as a matter of fact, we're sitting in an office as we take this deposition, and in this office is Mr. Eric Holder's office, right? You know that?

1 MS. HENN: Objection to form.

2 THE WITNESS: I know it's in

3 this complex, sure.

4 QUESTIONS BY MR. PAPANTONIO:

5 Q. In this complex.

6 And you know Mr. Hobart's

7 office is in this complex, correct?

8 MS. HENN: Objection to form.

9 THE WITNESS: Correct.

10 QUESTIONS BY MR. PAPANTONIO:

11

Age Group	Percentage
18-24	10%
25-34	15%
35-44	25%
45-54	30%
55-64	15%
65-74	10%
75-84	5%
85+	5%

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Q. Okay. That's fine. It's okay.

If you don't remember, you don't have to --

1 A. I understand.

2 Q. You don't have to make anything
3 up or try to remember.

4 Okay. Let me keep working
5 here. Here's another news article. It's
6 1526, Document 1526.

7 MR. PAPANTONIO: Carol, do you
8 have a --

9 MS. MOORE: Yes, sir. 1556.

10 MR. PAPANTONIO: Oh, I'm sorry,
11 1556. Yeah. I got it. I got it. I
12 got it.

13 MS. MOORE: McKesson-Hartle
14 141, P1.1556.

15 (McKesson-Hartle Exhibit 141
16 marked for identification.)

17 QUESTIONS BY MR. PAPANTONIO:

18 Q. Mr. Hartle, this is -- take a
19 minute and look at this. Just breeze through
20 it if you can. I got a couple of just small
21 questions for you.

22 But it's got your name at the
23 top of it; do you see that? Nate Hartle.

24 Do you see that, Mr. --

25 A. I do.

1 Q. Okay. And you know who Karen
2 Harper is? You've dealt with Karen Harper?

3 A. I do.

4 Q. Okay. Now, did you know that
5 there was a representation that was made -- a
6 representation that was made to Congress that
7 your company did not have any way to find out
8 what other drug companies were selling to the
9 various pharmacies? Did you know that?

10 MS. HENN: Objection to form.

11 THE WITNESS: Could you say
12 that again, please? Did I know --

13 QUESTIONS BY MR. PAPANTONIO:

14 Q. Yes, sir.

15 Did you know that there was a
16 representation made -- it wasn't from your
17 company, but there was a representation made
18 to Congress during the Congressional hearings
19 that there -- the reason they didn't know
20 exactly how many drugs were being told --
21 sold in a pharmacy is they didn't know what
22 the other companies were selling to the
23 pharmacy.

24 You ever heard that?

25 MS. HENN: Objection to form.

1 clear. I think you're -- you're already
2 answering the question. I want to get to a
3 little more direct.

4 A. Okay.

[illegible]

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10 MS. HENN: Objection to form.

11 THE WITNESS: I need you to

12 please restate that again --

13 QUESTIONS BY MR. PAPANTONIO:

14 Q. Yes, sir.

15 A. -- so I can be very clear.

16 Q. Yeah, I want to be clear.

17 MR. PAPANTONIO: Would you read

18 that back? Read that back if you

19 don't mind.

20 She'll read that back to you.

21 (Court Reporter read back

22 question.)

23 MS. HENN: Objection to form.

24 QUESTIONS BY MR. PAPANTONIO:

25 Q. That's a fair question, isn't

1 it? I mean, you know the answer to that.

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6 Q. That's all I'm trying to get
7 to. I just want to make sure I didn't
8 misunderstand it.

9 A. Right.

10 Q. And it wasn't you that
11 testified in front of Congress; I'm not
12 suggesting that you did. But if that was
13 represented in front of Congress, that just
14 wouldn't -- if it was represented in front of
15 Congress that it would be absolute -- that
16 McKesson had no way of finding out what other
17 drug companies were selling to any given
18 pharmacy, if that was represented, that
19 wouldn't be true, correct?

20 MS. HENN: Objection to form.

21 THE WITNESS: Can you please
22 say that again?

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. Yes, sir.

25 A. Yeah.

1 Q. If it was represented to
2 Congress that McKesson had no way of knowing
3 what other drug companies were selling to any
4 given pharmacy, narcotics, that wouldn't be
5 true, correct?

6 MS. HENN: Objection to form.

[illegible]

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Q. Correct. If you look at this document that's in front of you, it's 1526.

MR. PAPANTONIO: What did you say that number was?

MS. HENN: And, Counsel, we need to take a break relatively soon.

1 We've been going an hour and ten
2 minutes.

3 MR. PAPANTONIO: Yeah, okay.
4 You want to take a break right now?
5 We'll come back at it.

6 How much -- what have I got,
7 another 45 minutes, something like
8 that?

9 MS. HENN: I think more like an
10 hour.

11 VIDEOGRAPHER: Six hours 10
12 minutes on the record.

13 MR. PAPANTONIO: Okay. And why
14 don't you take a break.

15 THE WITNESS: That's fine.

16 VIDEOGRAPHER: The time is
17 4:39 p.m., and we're going off the
18 record.

19 (Off the record at 4:39 p.m.)

20 VIDEOGRAPHER: The time is
21 4:50 p.m., and we're back on the
22 record.

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. Sir, I want to show you -- I
25 want to talk to you about -- you know I used

1 that word "glut"?

2 A. You did.

3 MR. PAPANTONIO: Okay. Carol,
4 can I have a piece of white -- just a
5 white piece of paper? Don't worry
6 about that other. Give me a piece of
7 white paper and then we'll move on.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. I want to show you this 1556.
10 It'll be up on the screen, and I want to ask
11 you about this.

12 Standby.

13 MR. PAPANTONIO: Oh, here it
14 is. Let's -- hold on just a second.
15 Let's back up to the beginning of it.
16 It shouldn't be that big.

17 Why don't we start it over.

18 Okay.

19 (Video played.)

20 QUESTIONS BY MR. PAPANTONIO:

21 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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10 Q. Well, here's what I'm getting
11 at. Here's really what I'm trying to get to,
12 okay?

13 Let's go back to this. Let's
14 go back to Kermit. If you got a town like
15 Kermit -- and in a minute -- you don't have
16 to take my word for it; I'll show you the
17 actual numbers -- that Kermit had a
18 population of about 400 -- I think it's 406
19 people, okay? -- during the time that the --
20 during the time that Congress actually wrote
21 a letter to your president, Mr. Hammergren.

22 Have you ever reviewed that
23 letter that Congress wrote to Mr. Hammergren?

24 MS. HENN: Objection to form.

25 THE WITNESS: Dated when?

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. I'll have to get to it in a
3 minute. But I'm going to rely on the facts
4 in that letter, and if I misstate it, it'll
5 be in that letter.

6 But Kermit was in West
7 Virginia, correct? You know that?

8 A. Correct.

9 Q. And it had a population of
10 about 406 people; you know that. It's a very
11 small population.

12 MS. HENN: Objection to form.

13 THE WITNESS: Small population.

14 QUESTIONS BY MR. PAPANTONIO:

15 Q. Okay. But nevertheless, it was
16 getting millions of pills shipped into this
17 little area of a population of 406 people;
18 did you know that?

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

25

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Okay. We'll talk about
3 specifics in a minute. I don't expect you to
4 remember numbers. These are big numbers.

5 So let's just say if I've got
6 millions of pills being shipped into a town
7 that there's only 406 people, part of those
8 are children, right? So it's not -- it's not
9 406 adults, 406 people in the town -- in this
10 town of Kermit. And you've got millions of
11 pills being shipped in there, right?

12 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18 QUESTIONS BY MR. PAPANTONIO:

19 Q. Yeah.

20 I don't want to put words in
21 your mouth, but we're talking logic now. If
22 you got a population of 406 people, they
23 can't -- they can't absorb -- I'm going to
24 write those words so we're going to come back
25 to that. They can't absorb millions of

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Q. Yeah. So let me show you this
film again because I'm going to go from this
film, and then we're going to talk about
specifics about what the actual Congressional
letter said about places like Kermit and...

There's a family. There's
pills coming in from Judy's Pharmacy.

You remember us talking about
Judy's Pharmacy earlier on? I just called it
Judy's Pharmacy.

A. I do remember that.

1 Q. Okay. So Judy's Pharmacy is
2 selling more -- they're getting in all these
3 pills, but the population -- if the
4 population can't cover the pills, then the
5 excess has to go somewhere, correct?

6 MS. HENN: Objection to form.

7 QUESTIONS BY MR. PAPANTONIO:

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17 QUESTIONS BY MR. PAPANTONIO:

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1 MS. MOORE: The video is --

2 MR. PAPANTONIO: And then we'll
3 get the video put in. I might have --
4 anyway, let me keep moving.

5 MS. MOORE: 1526.

6 McKesson-Hartle 140.

7 (McKesson-Hartle Exhibits 165
8 and 140 marked for identification.)

9 QUESTIONS BY MR. PAPANTONIO:

10 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]

21 QUESTIONS BY MR. PAPANTONIO:

22 Q. All right. So now let's go and
23 let's look at what -- let's look at what
24 the -- what Congress wrote to the president
25 of your company, what they said about what

1 was happening in this little area called
2 Kermit.

3 You know where Kermit is,
4 correct?

5 MR. PAPANTONIO: Let's give him
6 P144.

7 MS. MOORE: McKesson-Hartle 76.
8 (McKesson-Hartle Exhibit 76
9 marked for identification.)

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. Okay. So if we go through this
12 document, this is written Congress -- this is
13 Congress of the United States and -- it's
14 Congress of the United States, and it's
15 written to Mr. Hammergren.

16 Do you see that?

17 A. Yes.

18 Q. And Mr. Hammergren is the
19 president of the company. He's president and
20 chief executive officer of your company,
21 McKesson, and has been all the time you've
22 worked there, correct?

23 A. Correct.

24 Q. All right. So the first
25 paragraph -- let's look at that first

1 paragraph. It says, "Pursuant to the Rules X
2 and XI of the US House of Representatives,
3 the committee is continuing to investigate
4 the opioid epidemic in the US that is taking
5 115 lives a day."

6 You've known that that's a
7 figure that's been thrown around there for a
8 long time, and that is 115 people die every
9 day because of the opioid crisis, correct?

10 MS. HENN: Object to form.

11 THE WITNESS: I've seen those
12 type of figures, yeah.

13 QUESTIONS BY MR. PAPANTONIO:

14 Q. And then it says, "As part of
15 our investigation, the committee wrote to
16 you" -- he's talking to Mr. Hammergren -- "on
17 May 8, 2017, regarding your distribution
18 practices generally, and in particular with
19 West Virginia -- with respect to West
20 Virginia. As we mentioned in that letter,
21 the opioid epidemic has been particularly
22 devastating to West Virginia."

23 Now, you knew that when you
24 came to work with this company, that West
25 Virginia -- not just West Virginia but other

1 parts of this country were devastated by an
2 overabundance, a glut, of opioids.

3 You know that, right?

4 MS. HENN: Objection to form.

5 THE WITNESS: I knew certain
6 parts of the country, sure, were
7 impacted by the epidemic.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. It wasn't just West Virginia;
10 you know that?

11 A. I know that.

12 Q. You knew it was New Mexico.
13 That comes to your mind, doesn't it?

14 A. Correct. I know different
15 parts of the country.

16 Q. Ohio, right? Kentucky, right?
17 I mean, other -- other parts
18 besides West Virginia. I'm going to just
19 talk about West Virginia right here.

20 But it says, "As we mentioned
21 in that letter, the opioid epidemic has been
22 particularly devastating to West Virginia.
23 For example, in 2015, West Virginia had the
24 highest opioid overdose death rate in the
25 nation. In addition to leading to numerous

1 deaths, the opioid crisis in West Virginia
2 has also caused many social challenges for
3 its residents and has devastated the
4 economy."

5 Now, you remember me asking
6 you -- we started off, and we were talking
7 about the loss of life. And we looked at
8 the -- we looked at the death map. And --
9 but this is saying, yes, loss of life is
10 something that we see, and we also see that
11 loss of life --

12 MR. PAPANTONIO: Would you
13 underline "devastating the economy"
14 for me, Corey.

15 QUESTIONS BY MR. PAPANTONIO:

16 Q. It says, "Press reports
17 indicate the epidemic is now estimated to
18 cost West Virginia \$8.8 billion a year."

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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QUESTIONS BY MR. PAPANTONIO:

21

Q. Okay. Fair enough.

22

You see it says -- page 2 --

23

page 2. Go to page 2, please.

24

It says, "Sav-Rite No. 1,

25

Kermit, West Virginia."

1 That's a store that you sold
2 pharmaceuticals -- that McKesson sold
3 narcotics to, correct?

4 A. Correct. I said correct.

5 Q. I'm sorry, I didn't hear.

6 It said, "In December of 2016,
7 the Charleston Gazette reported that the
8 Sav-Rite Pharmacy located in Kermit, West
9 Virginia, was among the top purchasers of
10 hydrocodone in West Virginia between 2007 and
11 2012. According to US Census data, the town
12 of Kermit had a population of 406 individuals
13 in 2010."

14 I used the 400. You remember
15 using 406 as the population in Kermit?

16 A. I do.

17 Q. Okay. And then it says, "DEA
18 data indicates that over a two-year period,
19 McKesson shipped nearly 5 million doses of
20 opioids to a pharmacy in a town of 406
21 people."

22 [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

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13 QUESTIONS BY MR. PAPANTONIO:

14 Q. Okay. It says, "According to
15 the DEA, automation of reports and
16 consolidation orders, data obtained by the
17 committee, in 2006 McKesson shipped 2,211,630
18 hydrocodone pills and 78,500 oxycodone to
19 Strosnider Pharmacy, a/k/a Sav-Rite Pharmacy
20 No. 1."

21 Do you see that?

22 A. I see that.

23 MR. PAPANTONIO: Underline 78
24 million 500 -- 78,500 oxycodone pills.

25 QUESTIONS BY MR. PAPANTONIO:

1 Q. It says, "This means that in
2 2006, McKesson would have shipped in an
3 average of 186,303 codone {sic} pills per
4 month, for a 6,059 hydrocodone pills per
5 day."

6 Do you see that?

7 MS. HENN: Objection to form.

8 THE WITNESS: I see that.

9 QUESTIONS BY MR. PAPANTONIO:

10 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Q. Okay. And it says -- it says,
17 the bottom line in that paragraph, "Applying
18 the DEA data, it can be determined that
19 McKesson supplied 76 percent of the Sav-Rite
20 Pharmacy No. 1 hydrocodone pills that year."

21 [REDACTED]

[REDACTED]

[REDACTED]

24 Q. You agree by the time you got
25 involved, all the damage had been done to

1 Kermit, right?

2 MS. HENN: Objection to form.

3 QUESTIONS BY MR. PAPANTONIO:

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 MS. HENN: Objection to form.

9 THE WITNESS: I joined in 2014.

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. That's all I'm trying to get

12 at.

13 Now the next paragraph it says,

14 "The ARCOS data further shows that in the

15 following year, 2007, McKesson shipped

16 2,624,680 hydrocodone pills and 40,900

17 oxycodone pills to Sav-Rite Pharmacy No. 1.

18 This is equivalent to an average of 218,723

19 hydrocodone pills per month, or 7,191

20 hydrocodone pills per day."

21 Now, sir, if that was shipped

22 into Kermit, those are startling numbers,

23 aren't they? I mean, look, just common

24 sense, those are startling numbers. And I'm

25 not saying you did that, but those are

1 startling numbers, aren't they?

2 MS. HENN: Objection to form.

3 QUESTIONS BY MR. PAPANTONIO:

A horizontal bar chart titled 'U.S. should take action to reduce greenhouse gas emissions' showing the percentage of respondents who believe the U.S. should take action to reduce greenhouse gas emissions. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the demographic groups, and the x-axis shows the percentage from 0 to 100. The bars are colored by age group: 18-29 (light blue), 30-49 (medium blue), 50-69 (dark blue), and 70+ (lightest blue). The data shows that younger age groups and females are more likely to believe the U.S. should take action to reduce greenhouse gas emissions.

Age Group	Gender	Percentage
18-29	Male	85%
	Female	90%
30-49	Male	75%
	Female	80%
50-69	Male	65%
	Female	70%
70+	Male	55%
	Female	60%

18 Q. Okay.

19 A. You'll have to refresh my
20 memory on that.

Country	Share of GDP
21. United Kingdom	10.0%
19. United States	10.0%
18. Germany	10.0%
17. France	10.0%
16. Italy	10.0%
15. Japan	10.0%
14. Canada	10.0%
13. China	10.0%
12. India	10.0%
11. Brazil	10.0%
10. Russia	10.0%
9. South Korea	10.0%
8. Australia	10.0%
7. Mexico	10.0%
6. Argentina	10.0%
5. South Africa	10.0%
4. Egypt	10.0%
3. Turkey	10.0%
2. Indonesia	10.0%
1. India	10.0%

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3 QUESTIONS BY MR. PAPANTONIO:

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Q. Okay. All right. It says, "In
that same year, other distributors shipped
1,651,160 total opioids to this pharmacy,"
meaning that Sav-Rite No. 1 received --
received a total of 4,316,740 doses of
opioids pills from all distributors in 7 --
in 2007.

Now, let me just take a minute
here at this very place where we're talking
about those number of pills, and let me go
back and talk to you about this picture that
deals with glut. Okay?

I'm going to use the word
"glut." If that doesn't work for you, let's
call it an overabundance of pills, if you
want.

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Q. All right. Let's go now back to this. And it says -- all right. I'm at the top of page 3. The top of page 3 says, "McKesson alone supplied Sav-Rite No. 1 with roughly eight times the amount of hydrocodone for an average retail pharmacy in rural West Virginia in 2006."

16 In 2006, you were still at Target; is that a correct statement? You weren't at -- you were not at McKesson?

19 A. I was at Target.

20 Q. And almost ten times the amount of hydrocodone that an average retail pharmacy -- here's what I'm getting at, you see. They've looked at average comparisons, and it says that that's -- first of all, you see --

1 MR. PAPANTONIO: Underline
2 McKesson at the top of that paragraph
3 there. McKesson. We're talking about
4 McKesson. We're not talking about any
5 other company besides McKesson.

6 QUESTIONS BY MR. PAPANTONIO:

7 Q. It says, "McKesson alone" --

8 MR. PAPANTONIO: Underline
9 "alone," please.

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. -- "supplied Sav-Rite No. 1
12 with roughly eight times the amount of
13 hydrocodone that an average retail pharmacy
14 in rural West Virginia received in 2006, and
15 almost ten times the amount of hydrocodone
16 that an average retail pharmacy -- that an
17 average retail pharmacy in rural West
18 Virginia received in 2007."

19 To be real clear -- I want to
20 make it clear -- this all had happened by the
21 time you got there, correct?

22 A. It did.

23 Q. It wasn't -- at this point
24 there's nothing you can do about water under
25 that bridge. There's nothing you can do

1 about what happened in Kermit.

2 Can we agree to that?

3 MS. HENN: Objection to form.

4 THE WITNESS: Agreed.

5 QUESTIONS BY MR. PAPANTONIO:

6 Q. Now, let's go down to -- let's
7 go down here, B. It says, "B, McKesson
8 resumed supplying opioids to Sav-Rite after
9 federal authorities began investigating the
10 pharmacy and after press accounts publicized
11 law enforcement raids on the pharmacy."

12 Now -- okay. They'd had -- the
13 place had been raided by the DEA, right?

14 They -- they -- everybody
15 understood at this point that the numbers for
16 400 -- a population of 406 people were ten
17 times what they should have been compared to
18 the average pharmacy, right?

19 According to what we just saw,
20 true?

21 MS. HENN: Objection to form.

22 THE WITNESS: According to
23 what's in here, correct.

24 QUESTIONS BY MR. PAPANTONIO:

25 Q. All right. And then it goes

1 down and says, "In March 2008, federal
2 authorities began investigating Sav-Rite
3 No. 1 and a medical complex owned by
4 individuals associated with Sav-Rite. In
5 2009, authorities conducted a raid on the
6 medical complex and on Sav-Rite. This raid
7 was publicized by, among other sources, the
8 Huntington, West Virginia, Herald Tribune,
9 which reported" -- let's go to the next page.

10 Now, first of all, I want to
11 say this: You've been here all day long and
12 people have been asking you tough questions,
13 but I want to -- I want to say this: You
14 knew that the importance of looking at news
15 reports was something that you did in your
16 regulatory process, right?

17 MS. HENN: Objection to form.

18 QUESTIONS BY MR. PAPANTONIO:

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1

2

Q. But back here they're taking --

3

they're saying that the Gazette newspaper

4

right there in town was telling this story.

5

And let's read what it said. Let's see what

6

the Gazette said in that newspaper report.

7

It says, "In an area with a

8

population of just a few hundred, the two

9

Sav-Rite pharmacies received millions of

10

doses -- units of the painkiller hydrocodone

11

in 2006, enough to rank 22nd nationally in

12

most hydrocodone units purchased by retail

13

pharmacies."

14

It says, "One federal agent who

15

investigated the pharmacies said

16

prescriptions are filled in such a rate that

17

Sav-Rite workers literally throw bags

18

containing the drugs over a divider and onto

19

a counter in order to keep up the pace. The

20

agent also noticed that one cash drawer was

21

so full that the clerk could not get it to

22

close properly."

23

Now, let me take you back up

24

with a couple of facts.

25

When you came along -- what

1 year was it?

2 A. 2014.

3 Q. 2014.

4

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	85%
No, the U.S. should not take action to reduce greenhouse gas emissions	15%

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Response	Percentage
U.S. should take action	83%
U.S. should not take action	12%
Don't know	5%

Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

24 Q. Okay. And so 75 percent of
25 this problem that we're looking at -- well,

1 let me scratch that. I'll just keep on
2 reading so we can get through this.

3 It says, "The owner of
4 Sav-Rite, James Wooley, was ultimately
5 convicted of conspiracy to acquire or obtain
6 controlled substances and sentenced to prison
7 in 2012."

8 Mr. Hartle would have never
9 made the decision to go back and do business
10 with these people after all this happened,
11 would you?

12 MS. HENN: Objection to form.

13 QUESTIONS BY MR. PAPANTONIO:

14 Q. I'm trying to use your
15 judgment. Understand, the raid took place;
16 man went to prison; McKesson's selling
17 75 percent of the drugs. It's 10 percent --
18 it's ten times the national average of
19 narcotics.

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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19

Q. Yeah.

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25

It says, "It does not appear that McKesson shipped drugs to Sav-Rite No. 1 between 2008 and 2010; however, DEA data acquired by the committee indicates that in 2011 McKesson again began shipping drugs to Sav-Rite No. 1."

1 Do you see that?

2 A. I see that.

3 Q. Now, let's take a look at the
4 last paragraph there. "According to federal
5 search warrant, Sav-Rite Kermit was ranked
6 22nd in the nation among retail pharmacies
7 with respect to purchase of hydrocodone dose
8 units. The average per pharmacy, 2006, was
9 97,431. Reports citing residents of Kermit
10 and surrounding region state that everyone in
11 Kermit, just about everyone in the wooded
12 hollows of Mingo County" -- that's where my
13 partner there, Paul Farrell, is from.

14 You met Paul Farrell yesterday,
15 right?

16 A. I did.

17 Q. Yeah. It says, "They knew that
18 Sav-Rite was a pill mill." Sav-Rite was a
19 pill mill.

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 Q. And in the records of McKesson
2 we'll get to in a minute, you remember
3 pictures of pill mills actually being
4 included in PowerPoints that were presented
5 at McKesson, at their meetings, actual
6 PowerPoints of what pill mills looked like,
7 people standing around in line.

8 You remember pictures like
9 that, don't you?

10 A. I do.

11 Q. Okay. It says, "Press reports
12 describe a stampede of customers frequenting
13 the pharmacy, so many that the town had to
14 hire an extra police officer to handle a
15 spike in crime, extra crews to clean up the
16 mess that the clientele left behind."

17 Now here's my -- here's my
18 question: Why should taxpayers be
19 responsible for cleaning up the mess that was
20 left by McKesson because of what was created
21 by this glut of pills in this town?

22 MS. HENN: Objection to form.

23 QUESTIONS BY MR. PAPANTONIO:

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Q. Mr. Hartle, you know what, I've
become accustomed to us talking logic and
common sense. So let me continue that.
Okay?

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Q. Okay. So let me go down here.

12

It says, A. Go down -- see where it says,

13

"According to DEA data, McKesson supplied a

14

pharmacy in Mount Gay-Shamrock" --

15

MR. PAPANTONIO: Ms. Henn, tell

16

me when I'm -- you're watching the

17

time; I'm not.

18

MS. HENN: That's not what was

19

that was about, but the videographer

20

can tell you.

21

MR. PAPANTONIO: How much time

22

do I have left here?

23

VIDEOGRAPHER: 18 minutes, sir.

24

MR. PAPANTONIO: 18 minutes.

25

THE WITNESS: What page are you

1 on, sir?

2 QUESTIONS BY MR. PAPANTONIO:

3 Q. I'm on the same page.

4 A. On the same page still?

5 Q. I'm on the same page.

6 It says, "According to DEA
7 data, McKesson supplied a pharmacy in Mount
8 Gay-Shamrock, West Virginia, with more than
9 six times the amount of hydrocodone that an
10 average pharmacy in rural West Virginia would
11 have been expected to receive."

12 Do you see that?

13 A. I'm sorry, I was on the
14 previous page. Let me read that real quick.

15 Q. "According to DEA data." Yeah.
16 Yeah.

17 "According to the DEA data,
18 McKesson supplied a pharmacy in Mount
19 Gay-Shamrock, West Virginia, with more than
20 six times the amount of hydrocodone" --

21 It's talking about McKesson
22 here, right?

23 A. I see that.

24 Q. Okay.

25 -- "more than six times the

1 amount of the hydrocodone that an average
2 pharmacy in rural West Virginia would have
3 been expected to receive."

4 I read that.

5 Then it goes on to say,

6 "DEA" --

7 MR. PAPANTONIO: When I'm ten
8 minutes -- let me know when I'm ten
9 minutes out.

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. "DEA ARCOS data showed that
12 between 2006 and 2014, McKesson supplied
13 Family Discount Pharmacy in Mount Shamrock
14 {sic} with 5,122,290 {sic} hydrocodone
15 pills" -- you see that? -- "and 695,000
16 oxycodone pills, for a total of 5,818,020
17 pills."

18 Do you know what the -- do you
19 know what the population of that place was?

20 If I told you it was 1,700,
21 would you be surprised? Population of 1,700
22 people, would that surprise you?

23 MS. HENN: Objection to form.

24 THE WITNESS: It would surprise
25 me. I don't know what the number is,

1 but...

2 QUESTIONS BY MR. PAPANTONIO:

3 Q. If it's only 1,700, those are
4 startling numbers, aren't they?

5 A. It's a small population.

6 Q. Yeah.

7 Okay. It says, "McKesson
8 provided this pharmacy with 986,500 oxycodone
9 pills, in addition to 300,100 oxycodone
10 pills, a 193 percent increase from the year
11 prior."

12 Do you see that? "193 percent
13 increase from the year prior" in the amount
14 of narcotics that they're selling to this
15 area.

16 And from -- "this equals an
17 average rate in 2013 of 82,000 hydrocodone
18 pills per month or 2,703 pills per day."

19 You see that?

20 A. I see those numbers.

21 Q. "And 25,000 oxycodone pills per
22 month."

23

[REDACTED]

[REDACTED]

[REDACTED]

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MR. PAPANTONIO: All right.

We're going to take a quick break and save ten minutes and see if we can wrap this up real quick.

MS. HENN: All right.

MR. PAPANTONIO: Thank you.

VIDEOGRAPHER: The time is
m., and we're going off the
.

(Off the record at 5:25 p.m.)

VIDEOGRAPHER: The time is
p.m., and we're back on the
.

QUESTIONS BY MR. PAPANTONIO:

Q. Sir, the -- in document 1165 --
e show this to you and just put this up
e screen. This is 1280. I'll get to

1 this. It's in 1165, what I'm looking for.
2 1280.

3 MR. PAPANTONIO: This is --
4 we're going to give you a copy of
5 these pictures.

6 MS. HENN: Okay. Just as
7 long --

8 MR. PAPANTONIO: They are
9 attached -- just so you know, they are
10 attached to 1165.

11 MS. HENN: I see.

12 MS. MOORE: This is
13 McKesson-Hartle 135.

14 (McKesson-Hartle Exhibit 135
15 marked for identification.)

16 MR. PAPANTONIO: Sir, do we
17 have that? Do we have that, Corey?
18 Do we have those pictures? Because I
19 can put them up on the -- I can put
20 them on right here if you don't.

21 Okay. Let me go -- oh, there
22 they are. Okay.

23 QUESTIONS BY MR. PAPANTONIO:

24

Item	Percentage
1	100%
2	100%
3	100%
4	100%
5	100%
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16	100%
17	100%
18	100%
19	100%
20	100%

19 Q. Okay. Let's mark --

20 MR. PAPANTONIO: Did we mark

21 this picture right here?

22 MS. HENN: Yes.

23 MR. PAPANTONIO: Okay.

24 QUESTIONS BY MR. PAPANTONIO:

25 Q. And then I -- let me just go

1 through some -- through a couple -- we don't
2 have much time, but let me just go through a
3 couple of other things.

4 Your theory about -- again,
5 about newspaper articles and reading them and
6 why it's so important for people to know
7 what's going on in the news, I want to show
8 you 951.

9 Had you ever heard of a town of
10 Williamson in West Virginia that actually
11 took on the name of Pilliamson?

12 MS. MOORE: McKesson-Hartle
13 101.

14 (McKesson-Hartle Exhibit 101
15 marked for identification.)

16 QUESTIONS BY MR. PAPANTONIO:

17 Q. Had anybody ever told you that
18 the problem was so bad all the way back in
19 2011 -- this is the Charleston Gazette-Mail.
20 And, sir, this is actually -- had you seen
21 see this article before? This the
22 Gazette-Mail talking about the very area
23 we've been talking about.

24 A. I'm not sure.

25 Q. Okay. Well, just for the

1 record, I want to point out that as we go
2 forward, this is a document -- this is a
3 newspaper article that is actually attached
4 to the Congressional record.

5 A. Okay.

6 Q. This came out of the hearings
7 of the Congressional record.

8 A. Okay.

9 Q. But I just want to ask you:
10 Had you ever heard of Williamson, West
11 Virginia, being -- it called Pilliamson?
12 Headline's "2011," that's the date,
13 "prescription drug abuse plagues small West
14 Virginia town." And that's in the
15 Gazette-Mail. And then it says, "a Pulitzer
16 Prize-winning newspaper."

17 Have you ever seen that before,
18 the term "Pilliamson," I guess is what I'm
19 wondering.

20 A. I believe I may have, yes.

21 Q. And it says -- I have it
22 right -- it says, "A couple of blocks away,
23 people lined up before 6 a.m. to visit
24 another doctor's -- another clinic's doctor.
25 The community was frustrated. They called it

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Q. Yes, sir.

23

24

25

Okay. This is a chart that is
a -- also a part of 1165, document there in
front of you. It's on page -- it's on .7 of

1 1165.

2 No, sir, it's not in there.

3 It's in 1165. Let me hand you another copy
4 just so I make sure you have it.

5 MS. MOORE: McKesson-Hartle

6 134.

7 (McKesson-Hartle Exhibit 134
8 marked for identification.)

9 QUESTIONS BY MR. PAPANTONIO:

10 Q. If you'll go to their --
11 Mr. Hartle, if you'll look at page 7, .7 --
12 let's say .7 in the top right-hand corner.

13 A. Okay.

14 Q. Is that -- do you see a chart
15 there?

16 A. Yes.

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21 QUESTIONS BY MR. PAPANTONIO:

22 Q. Yeah, but this is -- in other

23 words, this is a document -- this is

24 McKesson -- you see on the bottom, this is a

25 McKesson document?

1 MS. HENN: Objection to form.

2 QUESTIONS BY MR. PAPANTONIO:

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16 QUESTIONS BY MR. PAPANTONIO:

17 Q. All right. Fair enough.

18 Sir, you would agree, won't
19 you, if my partner there, Paul Farrell -- if
20 Paul Farrell were -- just wanted to say,
21 "Hey, this is a pretty good money maker. I
22 want to go to Kermit and I just want to
23 distribute 8 million pills," if he did that,
24 he'd end up in prison, wouldn't he?

25 MS. HENN: Objection to form.

1 QUESTIONS BY MR. PAPANTONIO:

2 Q. Wouldn't he?

3 He can't do that. He can't
4 go -- he can't go to Kermit and distribute 8
5 million narcotic pills. He'd go to prison,
6 wouldn't he?

7 MS. HENN: Objection to form.

8 THE WITNESS: He can't as an
9 individual.

10 QUESTIONS BY MR. PAPANTONIO:

11 Q. Well, what if he was a
12 corporation, he called it Farrell,
13 Incorporated, and he likes the idea that he
14 can make money selling narcotic pills because
15 he's making a lot of money, what happens if
16 he goes to Kermit and sells 8 million pills?

17 Does he go to prison?

18 MS. HENN: Objection to form.

19 THE WITNESS: I don't know.

20 QUESTIONS BY MR. PAPANTONIO:

21 Q. Well, it's illegal, isn't it --

22 MS. HENN: Objection to form.

23 QUESTIONS BY MR. PAPANTONIO:

24 Q. -- for him to go to town and
25 sell 8 million pills. Paul Farrell shows up

1 with a big bag of pills, 8 million pills, and
2 starts selling them in Kermit, that's
3 breaking the law, isn't he?

4 MS. HENN: Objection to form.

5 THE WITNESS: It depends on the
6 scenario. Is he a distributor? I
7 mean, I don't know.

8 QUESTIONS BY MR. PAPANTONIO:

9 Q. Well, that's the point, isn't
10 it? That's the point.

11 You had a special license to do
12 that, and Paul Farrell doesn't, correct?
13 That's the only thing that's different. You
14 had a license to do it that you -- you had
15 the license based on your obligation to

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MR. PAPANTONIO: All right.

Thank you, sir. I don't have any
further questions.

MS. HENN: Okay. Let's go off
the record. I do have some questions,
and we'll need to change spots.

VIDEOGRAPHER: Okay. The time

1 is 5:46 p.m. We're going off the
2 record.

3 (Off the record at 5:46 p.m.)

4 VIDEOGRAPHER: The time is
5 5:48 p.m. We're back on the record.

6 CROSS-EXAMINATION

7 QUESTIONS BY MS. HENN:

8 Q. Good afternoon, Mr. Hartle.

9 A. Good afternoon.

10 Q. You testified yesterday and
11 today that you joined McKesson in 2014; is
12 that right?

13 A. I did.

14 Q. Before joining McKesson, you
15 explained that you worked at Target?

16 A. I did.

17 Q. What positions did you hold at
18 Target?

19 A. I had a variety of positions in
20 the almost 19 years that I worked for Target.
21 I worked in both the assets protection and
22 the corporate security divisions and held
23 many different roles at many different
24 levels, from being in the actual stores to
25 leading districts or groups or larger groups

1 of stores, primarily focused on threat and
2 fraud in investigations.

3 I additionally led some of the
4 more specialized strategies for Target
5 related to things like organized retail crime
6 and fraud.

7 I worked at headquarters for
8 several years helping develop strategies and
9 building specialized teams, including one
10 focused on health care.

11 Q. Could you describe the team
12 that you were involved with at Target that
13 focused on health care?

14 A. Sure.

15 It was a team that was designed
16 to do several different things. I had been
17 involved in investigating pharmacy cases for
18 years, all way back to when I was in the
19 stores. This team was designed to, you know,
20 help identify and support investigations of
21 pharmacy cases in the field, develop new ways
22 to identify theft in pharmacies through data
23 and in other ways was designed to help
24 develop tools to monitor dispensing of Target
25 stores, and at the base code level across the

1 country to drive action and follow up with
2 different locations.

3 We used other analytics related
4 to prescribers to determine when we may want
5 to shut off a particular prescriber, and we
6 also monitored trends across the country and
7 proactively engaged with different offices of
8 diversion control.

9 All of that helped us also
10 influence and help teach and train Target
11 internally and help revise policies and
12 procedures related to pharmacy and diversion
13 specifically.

14 Q. When you joined McKesson in
15 2014, you were a senior director of
16 regulatory affairs?

17 A. Yes.

18 Q. Why did you join McKesson in
19 2014?

20 A. I had a great career at Target
21 and many opportunities, in fact had just been
22 given some additional responsibilities, but
23 have always been driven by the work that
24 we -- my team started and was doing at Target
25 related to diversion. I had an opportunity

1 to help teach and train Target team members,
2 help build programs and processes focused on
3 diversion.

4 And when an opportunity came up
5 with McKesson, you know, I -- you know, it
6 allowed me and I felt like I could make a
7 bigger difference across multiple chains. If
8 I could replicate some of the things that I
9 was doing at Target in any way and help other
10 chains and be involved, personally I think I
11 could help make a difference.

12 Q. And in that vein, did you have
13 a particular focus as senior director of
14 regulatory affairs at McKesson?

15 A. Yeah, I was hired to focus on
16 the chains and -- oh.

17 Q. Go ahead.

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13 MS. HENN: Thank you,
14 Mr. Hartle. I have no further
15 questions.

16 Should we go off the record?

17 MR. RAFFERTY: Yeah. Yeah,
18 I'll swap back around. I've got to
19 grab a couple of documents.

20 VIDEOGRAPHER: The time is 6:00
21 p.m., and we're going off the record.
22 (Off the record at 6:00 p.m.)

23 VIDEOGRAPHER: The time is
24 6:03 p.m., and we're back on the
25 record.

1 REDIRECT EXAMINATION

2 QUESTIONS BY MR. RAFFERTY:

3 Q. Mr. Hartle, you were just asked
4 some questions by your counsel. I just want
5 to follow up on a couple of them.

6 A. Sure.

7 Q. First of all, you were asked
8 about the evolution of the CSMP.

9 Do you recall that?

10 A. I do.

11 Q. And you talked about how you
12 continued to make improvements throughout
13 from 2008 forward, correct?

14 A. I remember that.

15 Q. All right. From 2008, you'll
16 agree with me, though, that your company,
17 McKesson, made an awful lot of mistakes that
18 fed and created the opioid epidemic for many,
19 many years, correct?

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5 QUESTIONS BY MR. RAFFERTY:

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Q. Okay. And now that you're making -- I think what I showed you earlier, that now with your evolution of your CSMP, you now went from making zero -- for many years making zero suspicious order reports to making hundreds of thousands now.

But my question is this: Because now you are making hundreds of thousands, we shouldn't -- you don't think that that should absolve McKesson of the deaths that you saw with my partner, Mike Papantonio, that were created because of the oversupply and McKesson shipping suspicious orders throughout the country, right?

MS. HENN: Objection to form.

THE WITNESS: Could you ask that, please, again?

QUESTIONS BY MR. RAFFERTY:

Q. Yeah. Yeah.

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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	92%
No, the U.S. should not take action to reduce greenhouse gas emissions	8%

Category	Percentage
Very important	10%
Important	30%
Not important	60%

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Q. But they're a customer of --

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A. They're a customer of

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McKesson's.

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QUESTIONS BY MR. RAFFERTY:

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Q. Now, also, you mentioned -- you were asked questions about your work at Target. So you said you actually did some work in the pharmacy, in pharmacy security and that type of thing at Target, right?

A. Yeah, I had a team -- yeah, in a variety of different ways over the course of time.

1 Q. And were you there in 2012?

2 A. I was.

3 Q. Were you there in 2012 when
4 Target paid a \$232,000 fine for overcharging
5 cities, municipalities, for prescription drug
6 coverage?

7 MS. HENN: Objection to form.

8 THE WITNESS: I was there
9 during that time frame.

10 QUESTIONS BY MR. RAFFERTY:

11 Q. Do you recall that?

12 A. I actually don't.

13 Q. You don't?

14 A. Not top of mind.

15 Q. Well, you said that you'd also
16 worked in doing some diversion, right, when
17 you were at Target, or worked in the
18 diversion prevention at Target?

19 A. Right. Right.

20 Q. So when you came to -- when you
21 came to McKesson then, you certainly should
22 have known the responsibilities and duties of
23 a distributor of drugs, of narcotics, under
24 the Controlled Substances Act, right?

25 MS. HENN: Objection to form.

1 6:11 p.m., August 1, 2018. Going off
2 the record completing the videotaped
3 deposition.

4 (Deposition concluded at 6:11 p.m.)

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CERTIFICATE

I, CARRIE A. CAMPBELL, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, Nathan J. Hartle was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

CARRIE A. CAMPBELL,
NCRA Registered Diplomat Reporter
Certified Realtime Reporter
California Certified Shorthand
Reporter #13921
Missouri Certified Court Reporter #859
Illinois Certified Shorthand Reporter
#084-004229
Texas Certified Shorthand Reporter #9328
Kansas Certified Court Reporter #1715
Notary Public
Dated: August 6, 2018

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the
6 appropriate space on the errata sheet for any
7 corrections that are made.

8 After doing so, please sign the
9 errata sheet and date it. You are signing
10 same subject to the changes you have noted on
11 the errata sheet, which will be attached to
12 your deposition.

13 It is imperative that you return
14 the original errata sheet to the deposing
15 attorney within thirty (30) days of receipt
16 of the deposition transcript by you. If you
17 fail to do so, the deposition transcript may
18 be deemed to be accurate and may be used in
19 court.

1 ACKNOWLEDGMENT OF DEPONENT

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3
4 I, _____, do
hereby certify that I have read the foregoing
5 pages and that the same is a correct
transcription of the answers given by me to
6 the questions therein propounded, except for
the corrections or changes in form or
7 substance, if any, noted in the attached
Errata Sheet.

8
9
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12 _____
Nathan J. Hartle

DATE

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15 Subscribed and sworn to before me this
16 _____ day of _____, 20 ____.

17 My commission expires: _____
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19 Notary Public
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LAWYER'S NOTES

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